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4028th Meeting of May 16, 2002 — 4059th Meeting of February 6, 2003

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Record of the Four Thousand Twenty Eighth (4028th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, May 16, 2002

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on April 25, 2002, were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

1. Permit-Agreement, dated May 16, 2002, with Auburn Golf Learning Center, Inc., for Professional Golf Services, Ponkapoag Golf Course, Canton.

The Secretary then submitted for signature the following paper which was signed by the Commissioner and four Associate Commissioners:

2. Contract No. P78-0639-C1A, dated May 16, 2002, with SPS New England, Inc., for Remedial Repairs of Longfellow Bridge, Boston/Cambridge.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher, Misslin and Haider, May 7, recommending approval of Extra Work Order No. 1, to be performed on a time and material basis, in the amount not to exceed $5,528.00, for replacement of Carrier Air Conditioning type PAC #2 compressors at the Charles River Dam, on Contract No. P01-2126-M1A, with Patrick J. Kennedy & Sons, Inc., for Service and Maintenance of HVAC Systems at Various Flood Control/Navigation Sites. Funds are available in Account No. 2440-7993.
The Commission V O T E D: to approve Extra Work Order No. 1, to be performed on a time and material basis, in the amount not to exceed $5,528.00, as recommended by Messrs. Faucher, Misslin and Haider in their report of May 7, 2002.
Associate Commissioner Rollins did not participate in discussion or vote on this matter.

4. Report of Messrs. Faucher, Griffin and Trzeinski, May 6, recommending approval of an extension of time from June 6, 2002 to July 5, 2002, on Contract No. P00-2073-M1A, with RMH Electric Co., Inc., for Maintenance of Mechanical and Electrical Systems at three MDC Drawbridges located in Lynn, Boston and Dorchester, to prepare, advertise and award a new contract for the continued maintenance of these drawbridges.
The Commission V O T E D: to approve an extension of time from June 6, 2002 to July 5, 2002, on Contract No. P00-2073-M1A, as recommended by Messrs. Faucher, Griffin and Trzeinski, in their report of May 6, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation

1. Report of Messrs. Faucher, Misslin and Sodano, May 7, recommending approval of an extension of time from May 10, 2002 to June 10, 2002, on Contract No. P01-2117-C2A, with All Star Construction, for Pump Station Rehabilitation Work to Storrow Drive West Side Pump Station at Berkeley Street, Boston, due to delay in delivery of electronics.
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from May 10, 2002 to June 10, 2002, as recommended by Messrs. Faucher, Misslin and Sodano, in their report of May 7, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation..

2. Report of Messrs. Faucher, Misslin and Haider, May 9, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No.P02-2168-M1A, for Maintaining of Elevators at Various MDC Facilities within the Metro Park System.
Estimated cost for the two (2) year project is $100,000.00.
Account No. 2410-1800 - $50,000.00 – FY2003.
Account No. 2410-1800 - $50,000.00 – FY2004.
(Contract funding is contingent upon sufficient funds being made available through the annual budgetary appropriation).
The Commission V O T E D: Approved.
The Commission further V O T E D: permission to advertise Project No.P02-2168-M1A, for Maintaining of Elevators at Various MDC Facilities within the Metro Park System

3. Report of Messrs. Faucher, Misslin and Abounaja, May 6, recommending approval of an Amendment , for an extension of time from July 14, 2002 to July 14, 2004, on Contract No. P95-1768-D2A, with Camp Dresser & McKee, Inc., for Licensed Site Professional (L.S.P.) Services for Various M.D.C. Facilities, to complete all necessary design and construction work previously approved by the Commission, including –
Task #24 – Prepare Remedy Implementation Plan and Specification.
Task #25 – Provide Construction Inspection Services.
Task #26 – Prepare Massachusetts Contingency Plan (MCP) Closeout Documents.
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher, Misslin and Martinez, May 13, submitting for approval Project Summary, Work Schedule, Project Justification and requesting authorization to advertise Project No.P02-2171-C1A, for Reconstruction of the Bernie King Pavilion, Nantasket Beach, Hull.
Estimated Cost - $435,000.00.
Time for Performance – 12 weeks.
Account Nos. 2440-7991 and 2440-8885.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P02-2171-C1A, for Reconstruction of the Bernie King Pavilion, Nantasket Beach, Hull.

5. Report of Messrs. Faucher and McCalla, May 9, recommending approval of a revision in quantities on Item No. 7 – Equipment, Materials, Components and Parts – at a cost of

$13,500.00, on Contract No.P00-2056-M1A, with FM Generators, Inc., for Maintenance of Prime Power and Emergency Generators.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item Nos. 1, 2, 3, 4 and 6).
The Commission V O T E D: Approved..

1. Report of Messrs. Faucher and McCalla, May 10, recommending the following on Contract No.P00-2030-M1A, with Coviello Electric and General Contracting Co., Inc., for Maintenance of Street Lighting Systems of MDC Parkways, Roadways and Properties at Various Locations –
(a) That work be accepted as completed as of March 7, 2002.
(b) That Estimate No. 25 (Final), in the amount of $18,470.66, be approved for payment.
(c) That reserve, in the amount of $15,908.12, be approved for payment.
(Basis of Award - $637,800.00)
(Amount to Date - $674,551.56)
(Contract Performance Rating – 4.00)
(EEO Compliance - 4.40)
The Commission V O T E D: that the work of Coviello Electric and General Contracting Co., Inc., Contractor under Contract No. P00-2030-M1A, be and hereby is accepted as completed as of March 7, 2002.
The Commission further V O T E D: to approve Estimate No. 25 (Final), in the amount of $18,470.66, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $15,908.12, for payment.

Action was taken upon the following matter relating to the Watershed Management Division:

2. Report of Messrs. McGinn and Pula, May 9 on proposals for the purchase of forest products located on the Quabbin Reservoir Watershed.
(Messrs. McGinn and Pula recommend:
Timber Lot No. R10NQ - Quabbin Reservoir Watershed in the Town of New Salem, containing approximately 37,670 board feet of timber and cords of fuelwood cords of pulp. Acceptance of the highest qualified bidder, that of Green Meadow Lumber, P.O. Box 520, Westfield, MA 01086 of $11,100.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $8,000.00).
The Commission V O T E D: Approved as recommended by Messrs. McGinn and Pula in their report of May 9, 2002.

Action was taken upon the following Various Matters:

3. Report of the Debt Collection Committee, April 1, recommending that Boston Pushcart, Inc., Joseph Bono, be terminated and no longer be permitted to conduct any business with the Commission or on its property, due to failure to meet financial obligations with the Commission and further to refer the vendor to a debt collection agency listed on the Commission's Master Service Agreement for collection. The above recommendation shall

apply to Boston Pushcart, Inc., Joseph Bono, and any and all of its successors, assigns, or re-incorporations.

Debtor	**Unpaid Balance**	**Time Period Past Due**
Boston Pushcart, Inc. Joseph Bono	$35,724.36	42 months

The Commission V O T E D: Held Over.

1. Report of Mr. Jewett, May 13, recommending approval of the following three (3) Professional Land Survey Services Contracts under Open Order Contract No. CG02-0002, for Appraisal, Title, Engineering and Related Services for Watershed Land Acquisition Fy/02 – Worcester and Franklin Counties, as follows –

Name	Value	Assignments
Andrysick Land Surveying, Inc. P.O. Box 97 Princeton, MA 01541	$ 7,500	2
Bouley Brothers, Inc. 75 Hammond Street Worcester, MA 01613	$ 6,300	3
Szoc Surveyors 32 Pleasant Street Gardner, MA 01440	$ 5,410	1

Account No. 2421-9936.
Time for Performance – thirty days, with a completion date of June 30, 2002.
Mr. Jewett further requests authorization for Commissioner Balfour to execute the Contracts on behalf of the Commission.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Contracts on behalf of the Commission.

2. Report of Mr. Jewett, May 13, on bids for Landscape Maintenance of Lynn Shore Drive, Revere Beach Reservation, Lynnway and Carroll Parkway, Contract No. P00-2067-M3A. (Mr. Jewett recommends acceptance of the lowest bid received, that of Greenscape, Inc., of $74,990.00. Payment shall be paid on a unit price lump sum basis pursuant to contract item).
Mr. Jewett further request authorization for Commissioner Balfour to execute the Contract on behalf of the Commission.
The Commission V O T E D: to accept of the lowest bid received, that of Greenscape, Inc., of $74,990.00.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Contract on behalf of the Commission.

1. Report of Mr. Haglund, May 13, recommending approval of the transfer of Contract No.P95-038-D2A, with Comprehensive Environmental, Inc., for Environmental Testing and Remediation, North Point Park, Cambridge, from MDC child Account No. 2449-0005 to MDC child Account No. 2449-1002.
(Sufficient funds in the amount of $92,000.00 are available in ISA No. 7279 for the transfer).
Mr. Haglund also requests authorization for Commissioner Balfour to execute on behalf of the Commission.
The Commission V O T E D: Approved as recommended by Mr. Haglund in his report of May 13, 2002.
The Commission further V O T E D: authorization for Commissioner Balfour to execute on behalf of the Commission.

2. Report of Mr. Haglund, May 13, requesting approval of Amendment No.3 to ISA 7279 and ISA 7568, with Massachusetts Highway Department for Leverett Circle Design and Lovejoy Wharf Design, as follows –
Amendment No. 3 – ISA 7279 – an extension of time from June 30, 2002 to June 30, 2004, to complete construction documents and to increase scope of services by $1,000,000.00, as itemized and –
Amendment No. 3 – ISA 7568 – an extension of time from June 30, 2002 to June 30, 2004, to revise construction documents and to provide construction phase services, at no increase in cost to the Commission.
Mr. Haglund further requests authorization for Commissioner Balfour to execute the ISA Amendments on behalf of the Commission.
Funds for ISA 7279 are available in Account No. 2449-1003.
The Commission V O T E D: to approve Amendment No. 3 to ISA 7279, with the Massachusetts Highway Department for Leverett Circle Design and Lovejoy Wharf Design.
The Commission further V O T E D: to approve Amendment No. 3 to ISA 7568, with the Massachusetts Highway Department for Leverett Circle Design and Lovejoy Wharf Design.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the ISA Amendments on behalf of the Commission.

Action was taken upon the following matters relating to the Office of General Counsel:

3. Report of Miss Murphy, May 3, recommending approval and execution of a Memorandum of Understanding by and between the MDC and Fellsway Development LLC (the "Developer"), which sets forth infrastructure improvements on parkways and the drainage system within the Middlesex Fells Reservation, as well as additional mitigation to be performed by and at the sole cost of the Developer pursuant to its proposed development of the Stoneham Executive Center on land adjacent to the Reservation; and to authorize Commissioner Balfour to sign the MOU on behalf of the Commission.
The Commission further V O T E D: to approve the Memorandum of Understanding by and between the MDC and Fellsway Development LLC, as recommended by Miss Murphy in her report of May 3, 2002.
The Commission further V O T E D: to authorize Commissioner Balfour to sign the Memorandum of Understanding on behalf of the Commission.

1. Report of Ms. Murphy, May 9, recommending that the Commission adopt an Order of Taking for acquisition of approximately 15.6 acres of land owned by Ronald A. and Virginia A. Stark located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $110,000.00 together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 15.6 acres of land owned by Ronald A. and Virginia A. Stark located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, May 16, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the northeasterly side of Williamsville Road, and on the northwesterly side of Canesto Brook, more particularly bounded and described as follows:

Beginning at a drill hole set in a stone wall marking the northeasterly line of Williamsville Road, said drill hole being located N. 83° 03' 36" W., 167.08 feet from Station 83 + 70.00, the westerly terminus of the 1973 Worcester County Layout of Williamsville Road (see Worcester County Commissioners Decree # 2828, dated 12th April 1973 and recorded with Worcester District Registry of Deeds at Book 5329, Page 409, and Plan H-4230-R, recorded therewith as Plan 88 in Plan Book 379), said drill hole having been set to mark the southwesterly corner of other land, formerly of Ronald R. & Virginia A. Stark, now or formerly, of Robert A. Cauffield (see the deed from R.R. & V. A. Stark to him dated 20th October 1995 and recorded with said Deeds at Book 17404, page 332, and the accompanying survey plan entitled "Plan of Land to be Conveyed by Ronald A. and Virginia A. Stark in Hubbardston, MA", dated October 13, 1995, prepared by Szoc Surveyors, Neil J. Szoc, P.L.S. # 37740, which plan is recorded with said Deeds as Plan 5 in Plan Book 698;

Thence N. 19° 39' 56" E., 600.24 feet, by land, now or formerly, of the aforesaid Cauffield, to a drill hole set in another stone wall, at land, formerly of G.M. Bergeron (see the deed recorded with said Deeds at Book 7309, Page 58), now or formerly, land of Richard J. & Rita A. Dreslinski (see the deed recorded with

said Deeds at Book 8143, Page 365, and the accompanying plan recorded as Plan 40 in Plan Book 518), this course being described herein as shown upon Plan 5 in Plan Book 698);

Thence N. 59° 17' 01" E., 130.92 feet, by the stone wall, and land, now or formerly, of R. J. & R. A. Dreslinski, to a point in the stone wall at a fence line, said point being at the southwesterly corner of land, now or formerly, of Theodore H. & Marilyn B. Curtis (see the deed from Harold C. & Martha W. Harthan to them dated 18 August 1961 and recorded with said Deeds at Book 4219, Page 123);

Thence N. 59° E., about 557 feet, more or less, by the above cited abutting lot, along the stone wall and a wire fence to a corner by the edge of the "Woodward Meadow", so-called, (apparently part of the last cited abutting land, now or formerly of Curtis);

Thence Easterly, about 12 rods, or 198 feet, more or less, by estimate, by the line of the "Woodward Meadow" to a point in the centerline of Canesto Brook, at other land, now or formerly, of T.H. & M. B. Curtis (see Land Court Certificate No. 11193, dated 31st March 1987,and Land Court Subdivision Plan 35667B dated February 10, 1975, prepared by Michael S. Szoc, which plan was accepted by the Court on September 16, 1975, and is filed with Certificate No. 8681);

Thence Southerly, about 1200 feet, more or less, by the centerline of Canesto Brook, to a point in the northerly line of the 1973 Record Layout of Williamsville Road, this course runs partially by the above cited registered land, now or formerly of Curtis, and partially by land, formerly of Joseph H. Fucile Jr. et ux, now or formerly, of A.A. Doane, Jr. & C.A. Washburn (see the deed recorded with said Deeds at Book 7263, Page 1);

Thence N. 77° 30' 00" W., 848 feet, more or less, by the northerly line of the 1973 Worcester County Record Layout of Williamsville Road, to a point at Station 83 + 70.00, the westerly terminus of said layout;

Thence S. 01° 00' 00" E., about 7.0 feet, more or less, by the westerly terminus of the 1973 Record Layout of the road, to a point in the stone wall marking the northerly line of the continuation of the highway;

Thence Northwesterly, about 170 feet, more or less, by the stone wall and the northerly line of the highway to the first mentioned drill hole at the southeasterly corner of land, now or formerly of Cauffield, being the point and place of beginning.

Containing 16 acres, more or less, by previous deed description (15.6 acres per Hubbardston Assessors Records).

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Williamsville Road, which may be held by the supposed owners as a result of their ownership of the above described premises, and being the remaining and southeasterly portion of the same premises described in a deed from Lynn E. Geissler and Pamela M. Geissler to Ronald A. Stark and Virginia A. Stark, dated 19th August 1971 and recorded with Worcester District Registry of Deeds at Book 5147, Page 477.

The above-described property is represented upon Hubbardston Assessors Tax Map 4 as Lot 178.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Ronald A. Stark Virginia A. Stark	$ 110.000.00

The Commission further V O T E D: to approve an award of damages in the amount of $110,000.00 together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

1. Report of Mr. Collette, May 9, recommending that the Commission adopt an Order of Taking for acquisition of approximately 0.26 acres of land owned by the Estate of Dorothy T. Glot, located in the Town of Saugus, Massachusetts, and to approve an award of damages in the amount of $18,400.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8960.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 0.26 acres of land owned by the Estate of Dorothy T. Glot, located in the Town of Saugus, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, May 16, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 15 of the Acts of 1996, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Saugus in the County of Essex and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the southeasterly side of a paper street known as Banfield Street, comprised of Lots 151, 152 and 153 as shown on a survey plan entitled "Plan of Land in Bonair", dated September 4, 1907, prepared by E.G. Mann, C.E., which plan is recorded with Essex South District Registry of Deeds as Plan 33 in Plan Book16, said assembled parcel being more particularly bounded and described as follows:

NORTHERLY	135.61 feet, on the Lot numbered 154, on said plan;
EASTERLY	124.59 feet, on Lots numbered 185 and 146, and partially on Lot 184 on said recorded plan;
SOUTHERLY	108.07 feet, on the Lots numbered 147 through 150 inclusive, as shown on said plan; and
WESTERLY	75.49 feet, in two courses, on the easterly line of the paper street designated Banfield Street, all as shown upon the above cited recorded plan.

Containing 11,151 square feet, more or less, or 0.256 acres, as shown upon the above cited recorded plan, and calculated from the individual Lot areas thereon.

The above-described premises, taken herein and hereby, are represented upon Saugus Assessors Tax Map 3F as Lot 22 in Block 1.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Banfield Street which may be held by the supposed owners, as a result of their ownership of the above described property, and

being the same premises described in a deed from Harold E. Dodge, Treasurer of the Town of Saugus, to Dorothy T. Glott, dated 1st October 1945 and recorded with Essex South District Registry of Deeds at Book 3425, Page 182. See also Norfolk Probate Case #99P1153ET, Estate of Dorothy T. Glott, died November 13, 2000.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Saugus, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNERS	AWARD
Estate of Dorothy Glott	$ 18,400.00

The Commission further V O T E D: to approve an award of damages in the amount of $18,400.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Ms. Murphy, May 13, recommending that the Commission approve and execute the Agreement with The Publick Theatre, Inc., which enables The Theatre to continue using the Publick Theatre and space in the Almy's Building to provide a cultural experience for the enjoyment of all citizens of the Commonwealth for all purposes consistent with the terms of this Agreement.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Agreement, dated May 16, 2002, with The Publick Theatre, Inc., which was signed by the Commissioner and four Associate Commissioners.

Adjourned at 9:50 a.m., to meet on Thursday, May 23, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Twenty Ninth (4029th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, May 23, 2002,

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on May 2, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Misslin and Sodano, May 9, requesting Commission approval of the action of Deputy Commissioner Faucher resulting in revisions in quantities on Contract No. P01-2117-C2A, with All Star Construction, for Pump Station Rehabilitation Work to Storrow Drive West Side Pump Station at Berkley Street, Boston, as follows –

Item No. 4	– Dist. Suction piping	$ 112.50
Item No. 5	– Dist. Discharge pipe	$ 100.84
Item No. 10A	– Install suction pipe	$ 642.24
Item No. 15	- Lighting	$ 249.60
Item No. 23	- Replace elbows	$ 643.44
	Total -	$1,748.62

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 25 – Replacement of the 15 inch discharge at the East Side Pump Station).
The Commission V O T E D: to approve of the action of Deputy Commissioner Faucher, which resulted in revisions in quantities on Contract No. P01-2117-C2A.
The Commission further V O T E D: to approve the Revisions in Quantities, in the amount of $1,748.62.

2. Report of Messrs. Faucher, Carrigan and MacLean, May 10, recommending approval of a revision in quantities on Item No. 004-010 – Cleaning of Drainage Structures Which Do Not Require Structural Repairs - at a cost of $1,000.00, on Contract No. P01-2101-C2A, with R. Zoppo Corporation, for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission Area.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 006-010 – Traffic Control Services).
The Commission V O T E D: Approved

3. Report of Messrs. Faucher, Carrigan and MacLean, May 10, recommending approval of a revision in quantities in Item No. 001-010 – Rebuilding Catch Basins and Manholes, Excluding Cost of Castings – at a cost of $1,432.50, on Contract No. P01-2101-C2A, with R. Zoppo Corporation, for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission Area.
(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 002-010 – Furnishing and Installing New Frames and Grates/Covers and 006-010 – Traffic Control Services).
The Commission V O T E D: Approved

1. Report of Messrs Faucher, Carrigan and MacLean, May 10, recommending approval of a revision in quantities on Item No. 052-010 – Furnish and Install Galvanized Chain Link Fence (2 – 3.5'High) – at a cost of $5,717.80, on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 035-010 – Furnish and Install New SS Guard Rail and Posts (Straight).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and DiPietro, May 14, recommending the following on Contract No.P87-1449-M7A, with G & L Laboratories, Inc., for Analytical Water Testing –
(a) That work be accepted as completed as of March 19, 2002.
(b) That reserve, in the amount of $3,073.70, be approved for payment.
(Basis of Award - $80,000.00)
(Amount to Date - $74,968.60)
(Contract Performance Rating – 9 with 10 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of G & L Laboratories, Inc., Contractor under Contract No.P87-1449-M7A, be and hereby is accepted as completed as of March 19, 2002.
The Commission further V O T E D: to approve release of reserve, in the amount of $3,073.70, for payment.

3. Report of Messrs Faucher and Griffin, May 13, recommending approval of Amendment No. 1, for an extension of time from July 31, 2002 to July 31, 2004, on Contract No. P00-2058-D1A, with STV, Inc., for Study and Design of a Pedestrian Crossing at the V.F.W. Parkway, West Roxbury.
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher, Misslin and Martinez, May 16, requesting approval of an extension of time from May 15, 2002 to June 15, 2002, on Contract No. P02-2159-C1A, with J. D'Amico, Inc., for Miscellaneous Structural Repairs at Various Pools.
The Commission V O T E D: to approve an extension of time from May 15, 2002 to June 15, 2002, as requested by Messrs. Faucher, Misslin and Martinez in their report of May 16, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

5. Report of Mrs. Overton Bussell and Messrs Faucher, Misslin and Abounaja, May 6, recommending approval of additional funding, in the amount of $41,223.00, for Contract No. P00-2065-D2A, with Tighe and Bond Consulting Engineers, for Licensed Site Professional Services for Various MDC Contaminated Sites, which is necessary to cover the cost of subsoil surface and ground water sampling and analysis at two sites in Dorchester, included in the Administrative Consent Order under the Clean State Program, to bring the sites into compliance with the Massachusetts Contingency Plan.
Funds are available in Account No. 2420-1420.
The Commission V O T E D: Held Over

1. Report of Messrs. Faucher, Misslin and Haider, May 21, recommending approval of Extra Work Order No. 1 – Emergency repairs to 4 inch HDPE water pipe which supplies water to Georges Island, with time and material costs not-to-exceed $44,250.00, on Contract No.P01-2127-M1A, with Inner Space Services, Inc., for Maintenance and Service to Underwater Structures at Various Flood Control/Navigational Sites.
(At no increase in contract cost as the extra work will be offset by unused quantities in Item No. 001-010 – Diving Services).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amountof $44,250.00.

Action was taken upon the following matters relating to the Watershed Management Division:

2. Report of Mr. McGinn, May 6, on bids for Remedial Repairs/Improvements for Public Safety Considerations, Beaman Street Bridge, West Boylston, Contract No. WM94-003-C1A.
(Mr. McGinn recommends acceptance of the lowest corrected bid, that of Tasco Construction, Inc., of $860,335.00).
The Commission V O T E D: to accept the lowest corrected bid, that of Tasco Construction, Inc., of $860,335.00.

3. Report of Messrs. McGinn and Kane, April 30, recommending approval and execution of Amendment No. 1 – for an extension of time from May 30, 2002 to June 30, 2003 and an increase in scope for preparation of plans, technical specifications, and bid documents necessary for solicitation of competitive bids for an underwater repair project – at a cost of $13,998.25, on Contract No. WM02-060-S1A, with PARE Engineering Corporation , for Underwater Engineering Inspection of Dams, Spillways and Ancillary Structures.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 1, dated May 23, 2002, on Contract No. WM02-060-S1A, with PARE Engineering Corporation, which was signed by the Commissioner and four Associate Commissioners.

Action was taken upon the following Various Matters:

4. Report of the Debt Collection Committee, April 1, recommending that Boston Pushcart, Inc., Joseph Bono, be terminated and no longer be permitted to conduct any business with the Commission or on its property, due to failure to meet financial obligations with the Commission and further to refer the vendor to a debt collection agency listed on the Commission's Master Service Agreement for collection. The above recommendation shall apply to Boston Pushcart, Inc., Joseph Bono, and any and all of its successors, assigns, or re-incorporations.

Debtor	**Unpaid Balance**	**Time Period Past Due**
Boston Pushcart, Inc. Joseph Bono	$35,724.36	42 months

The Commission V O T E D: Held Over

5. Report of the Concession Selection Committee, May 16, recommending that Corinne Ferullo, the MDC's food service concessionaire in a location near the Lee Pool, be relieved of her final year of her Permit, due to her serious illness.

The Committee further recommends that this location no longer be utilized as a concession site due to lack of patronage.
The Commission V O T E D: Approved as recommended by the Concession Selection Committee in its report of May 16, 2002

1. Report of Mr. Jewett, May 16, submitting for approval and execution a Contract with the City of Boston for the maintenance and operation of the James Michael Curley Recreational Facility (L Street Bathhouse).
Contract Amount - $272,774.00.
Pursuant to Chapter 177 of the Acts of 2001, Section 2, Line Item 2440-0045.
The Commission V O T E D: Approved.
As the Contract did not arrive in time for Commission execution the Commission V O T E D: to authorize Commissioner Balfour to execute the Contract on its behalf.

2. Report of the Debt Collection Referral Committee (DCRC), May 6, requesting that pursuant to the MDC's Debt Collection Policy and State Regulation, that the Commission authorize the DCRC to submit delinquent accounts in the sum of $225,663.70, that had been referred to the Attorney General's Office for collection and/or litigation, and were not acted upon by the Attorney General's Office, to the Office of State Comptroller for write-off.
The Commission V O T E D: to authorize the DCRC to submit delinquent accounts in the sum of $225,663.70, to the Office of State Comptroller for write-off, as requested by the DCRC in their report of May 6, 2002.

3. Report of Mrs. O'Brien and Ms. Davidge, April 11, recommending approval of Contract No. PL95-038-X1A, with Santa Theresa Tile Works, for Repair of Tile Work/Paul Revere Park, at a lump sum cost of $4,000.00.
Completion – Summer of 2002.
Account No. 2449-6033.
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Office of General Counsel:

4. Report of Mr. Gray, May 20, recommending that the Commission ratify the vote of the Commission at its meeting of April 25, 2002, and adopt an Order of Taking for acquisition of approximately 106.4057 acres of land owned by Paxton Hills, Inc., located in the Town of Princeton, Massachusetts, and to approve an award of damages in the amount of $ 750,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to ratify the vote of the Commission at its meeting of April 25, 2002, and adopt an Order of Taking for acquisition of approximately 106.4057 acres of land owned by Paxton Hills, Inc., located in the Town of Princeton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, May 23, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Princeton in the County of Worcester and Commonwealth of Massachusetts, namely:

Three certain parcels of land, herein designated Parcels A, CR and E, all lying on the southerly and/or southeasterly side of East Princeton Road-Route 31, the second and third parcels also bounding on the easterly side and westerly side, respectively, of Mirick Road, near the intersection of said roads, more particularly bounded and described as follows:

Parcel A

Beginning at a Worcester County Highway bound at a point in the southerly layout line of the 1949 Worcester County layout of East Princeton Road-Route 31, at Station 68+33.76, at land, now or formerly, of the Town of Princeton (see the deed from East Side Sand & Gravel, Inc. to the Town Of Princeton, dated 29th December 1989 and recorded with the Worcester District Registry of Deeds at Book 12551, Page 166 and shown upon the accompanying survey plan recorded therewith as Plan 112 in Plan Book 630), said bound marking the northernmost corner of the parcel herein being described;

Thence	S. 05° 44' 00" W., 520.00 feet, by land, now or formerly, of the Town of Princeton, to a concrete MDC bound set at the southeasterly corner of the land, now or formerly, of said Town, and at the easternmost corner of Parcel BR, described below in the second section of this order, property, formerly, of East Side Sand & Gravel, Inc., and now of the supposed owner listed below;
Thence	On the same bearing, 517.90 feet, by Parcel BR, to a drill hole found in a stone wall, at land, formerly of Chandler Bullock, late of one Lipowczan (see the deed recorded with said Deeds at Book 9099, Page 60, and Plan 26 in Plan Book 545), and, now or formerly, of the Princeton Land Trust (see the deed recorded with said Deeds at Book 18019, Page 370);
Thence	S. 34° 01' 32" E., 1045.28 feet, by the stone wall and land, now or formerly, of the Princeton Land Trust, to a drill hole found in a corner of walls, at land, now or formerly, of Norco Sportsman's Club, Inc. (see the deed from John Rasmussen to said Club, dated September 21, 1946, recorded with said Deeds at Book 3026, Page 355);

Thence N. 57° 43' 35" W., 863.81 feet, by the stone wall and crossing East Wachusett Brook, to a drill hole set in a corner of walls;

Thence S. 32° 16' 25" E., 3.00 feet, by the stone wall, to a drill hole set in a corner of walls;

Thence N. 57° 43' 35" E., 47.00 feet, by the wall, to a drill hole set in a corner of walls;

Thence N. 32° 16' 25" W., 3.00 feet, by the wall, to a drill hole set in a corner of walls;

Thence N. 57° 43' 35" E., 626.00 feet, by the wall, to a drill hole set in a corner of walls;

Thence N. 31° 25' 35" W., 316.26 feet, by the wall to a drill hole set at a point therein, at other land, now or formerly of Norco Sportsman's Club, Inc., shown as Lot 1 upon a plan entitled "Plan Of Land Located In Princeton, Mass. Prepared For Norco Sportsman's Club", dated May 1989, surveyed by Hub Survey Associates, Inc., and recorded with Worcester District Registry of Deeds as Plan 52 in Plan Book 647, the last six courses being by land of said Club;

Thence N. 31° 22' 57" W., 77.31 feet, by the wall, to a drill hole set at a point therein;

Thence N. 31° 48' 15" W., 274.42 feet, by the wall, to a drill hole set at a point therein;

Thence N. 32° 08' 47" W., 248.27 feet, by the wall, to a drill hole set in a corner of walls, at a point in the southerly layout line of the 1871 Worcester County Layout of East Princeton Road-Route 31, being located S. 32° 08' 47" E., 36.64 feet from a point in the 1946 layout line of the Highway, the last three courses being by Lot 1, land, now or formerly of Norco Sportsman's Club, Inc.;

Thence S. 70° 09' 03" W., 50.59 feet, by the wall, to a point therein;

Thence S. 77° 36' 07" W., 49.52 feet, by the wall, to a point therein;

Thence S. 83° 31' 06" W., 84.60 feet, by and through the wall to a point;

Thence S. 85° 31' 07" W., 52.47 feet, to a point;

Thence N. 86° 33' 53" W., 59.45 feet, to a point;

Thence N. 76° 03' 53" W., 65.45 feet, to a drill hole set in a stone wall, at land, formerly of Ellsworth I. & Doris I. Bourque (see the deed from Carl Ikalainen to them, dated 15th April 1946, and recorded with said Deeds at Book 2996, Page 307), said abutting lot is supposed to be land, now or formerly, of Peter W. & Karen K. Silvia, the last six courses being by the 1871 layout line of the Highway;

Thence S. 57° 31' 00" W., 685.25 feet, by the wall and land, supposed to be, now or formerly, of P.W. & K.K. Silvia, crossing a gap therein, re-crossing East Wachusett Brook and running by the continuation of the wall, to a drill hole set in a corner of walls;

Thence N. 31° 27' 21" W., 260.33 feet, by the wall, to a drill hole set in a corner of walls;

Thence N. 57° 05' 03" E., 465.98 feet, by the wall, crossing a gap therein, re-crossing East Wachusett Brook and running by the continuation of the wall, to a drill hole set at a point, 1.25 feet below the surface of the ground, in the 1871 Layout line of the Highway, at land of owner unknown, shown as Parcel D upon the survey plan cited below at the conclusion of the description of Parcel A;

Thence N. 70° 58' 52" W., 656.66 feet, by Parcel D and along the 1871 layout line of the Highway, to the W.C.H. bound first mentioned at Station 68+33.76, being the point and place of beginning.

Containing 45.6167 acres, more or less, as shown as Parcel A upon sheet 1 of a 2 sheet plan entitled "Commonwealth Of Massachusetts, Metropolitan District Commission, Division Of Watershed Management, Princeton (Worcester County) MA, Land Taking Plan For Watershed Protection", dated October 3, 1996, prepared by Cullinan Engineering Co. Inc., Mark T. LaPrad, P.L.S., which plan is on file at MDC Headquarters, in the Office of the General Counsel, at 20 Somerset Street, Boston MA, a reduced copy of which plan is appended hereto as EXHIBIT "A" to be recorded herewith at Worcester District Registry of Deeds and be made a part of this order.

Parcel CR

Beginning at a Worcester County Highway bound found at a point in the southerly layout line of the 1949 Worcester County Layout of East Princeton Road-Route 31, at Station 83+07.87, said bound being at the northeasterly corner of land, now or formerly, of Roger P. & Caroline W. Lyons (see the deed from Carl Wilhelm Ikalainen to them, dated 15th March 1955 and recorded with said Deeds at Book 3665, Page 127);

Thence N. 74° 24' 30" E., 77.91 feet, by the 1949 Highway Layout line, to another W.C.H. bound found;

Thence N. 84° 01' 00" E., 131.81 feet, by the 1949 Highway Layout line, to another W.C.H. bound found;

Thence N. 70° 39' 00" E., 194.13 feet, by the 1949 Highway Layout line, to a point at the northeasterly corner of the parcel herein being described, and at the northwesterly corner of Parcel BR, described below, in the second part of this order;

Thence S. 01° 18' 34" W., 847.68 feet, by Parcel BR, to a point at an angle in the line;

Thence S. 36° 49’ 52” E., 399.57 feet, by Parcel BR, to a drill hole in a stone wall, at a corner, and at land, formerly of Chandler Bullock, late of one Lipowczan, and now or formerly, of the Princeton Land Trust, as referenced above;

Thence S. 57° 15' 43" W., 1825.72 feet, by the stone wall and partially by land, late of one Lipowczan and partially by land, late of one McElroy, and, now or formerly, of the Princeton Land Trust (see the deed recorded with said Deeds at Book 17499, Page 161), to a drill hole found in a corner of stone walls at land, now or formerly of Charles R., II & Deborah D. Cary (see the deed recorded with said Deeds at Book 13148, Page 1);

Thence N. 33° 18' 20" W., 138.43 feet, by the wall, and land, now or formerly, of C.R., II & D.D. Cary, to a drill hole found at a point in the wall at the southeasterly corner of land, formerly of Thomas R. & Leslie S. Moore, now or formerly, of Edward S. Lenard, Jr. (see the deed recorded with said Deeds at Book 18040, Page 323);

Thence N. 33° 22' 36" W., 251.37 feet, by the wall, and land, now or formerly, of E.S. Lenard, Jr., to a drill hole set in the wall;

Thence N. 36° 41' 33" W., 375.15 feet, by the wall, and land, now or formerly, of said Lenard, to a drill hole set, at or near, the end of the wall, at a point in the easterly line of Mirick Road;

Thence N. 16° 07' 32" E., 267.45 feet, by the line of Mirick Road, entering and running by a stone wall, to a drill hole set in a corner of walls, at land, formerly of Joseph & Rose McGahan;(see the deed from Allen Carl & Anne Ikalainen to them dated 21st December 1971 and recorded with said Deeds at Book 5184, Page 189, and the accompanying survey plan recorded as Plan 37 in Plan Book 358), this abutting lot is supposed to be, now or formerly, land of Ellsworth I. & Doris I. Bourque;

Thence S. 88° 20' 53" E., 247.79 feet, by the stone wall and land, now or formerly, supposed to be of E.I.& D.I. Bourque, to a drill hole set on a corner of walls, at land, formerly of Raymond A. & Claire B. Renaud (see two deeds from Allan Carl & Anne Ikalainen to them dated 24th May and 5th June 1967, recorded with said Deeds at Book 4758, Page 255 and Book 4759, Page 319, and the plan, recorded with said Deeds as Plan 111 in Plan Book 308), said abutting land being, now or formerly, of Steven G. & Kathleen M. Eichholtz (see the deed recorded with said Deeds at Book 16842, Page 170);

Thence S. 85° 51' 45" E., 408.61 feet, by the wall to a drill hole found at an angular corner in the wall;

Thence N. 65° 07' 15" E., 170.93 feet, exiting the wall and running to an iron pin found at a point, near the northwesterly end of a wall segment;

Thence N. 67° 42' 02" E., 206.60 feet, passing through another iron pin found and running to a point in the centerline of a brook;

Thence Northeasterly, 481 feet, more or less, by the centerline of the brook, to a point;

Thence N. 74° 12' 05" W., 456.60 feet, passing through an iron pin found near the brook and running to a drill hole found in a corner of stone walls;

Thence N. 80° 53' 02" W., 365.66 feet, by the stone wall, to a drill hole set at a point therein;

Thence N. 75° 48' 41" W., 185.00 feet, to an MDC concrete bound set at a point in the southeasterly layout line of the 1949 W.C.H. Layout of East Princeton Road-Route 31, the last seven courses being by land, now or formerly, of S.G. & K.M. Eichholtz;

Thence N. 54° 39' 20" E., 287.45 feet, by the Highway Layout, to a W.C.H. bound;

Thence Northeasterly, by the Highway Layout, along the arc of a curve to the right, having a radius of 2370.00 feet, an arc distance of 542.06 feet, said arc being subtended by a central angle of 19° 45' 10" to a point of tangency, said point being in a 7" ash tree at the northwesterly corner of land, now or formerly, of Roger P. & Caroline W. Lyons (see the deed from Carl Wilhelm Ikalainen, a.k.a. Allan Carl Ikalainen to them, dated 15th March 1955 and recorded with said Deeds at Book 3665, Page 127);

Thence S. 22° 24' 00" E., 155.16 feet, to an MDC concrete bound set at a corner;

Thence N. 74° 24' 30" E., 255.99 feet, to an MDC concrete bound set at a corner;

Thence N. 15° 35' 30" W., 170.00 feet, to the first mentioned W.C.H. bound at Station 83+07.87, being the point and place of beginning, the last two courses being by land, now or formerly, of R.P.& C.W. Lyons.

Containing 41.0 acres, more or less as shown as Parcel CR (including Parcel Z) upon a plan entitled "Plan Of Land In Princeton, Mass. Prepared For THE TRUST FOR PUBLIC LANDS", dated March 12, 2002, prepared by Andrysick Land Surveying, an Office of Acton Survey & Engineering, Inc., Douglas W. Andrysick, P.L.S. #34608, which plan shall be recorded with Worcester District Registry of Deeds and be made a part of this order.

Parcel E

A certain tract of land situated in the said Town of Princeton, Worcester County Massachusetts, lying between the Princeton-Westminster Road, known as Mirick Road, and the so-called new County Road, otherwise known as East Princeton Road–Route 31, on the southerly side of their intersection, more particularly bounded and described as follows:

Beginning at the southeasterly corner of the parcel herein being described, at a gun barrel set in the stone wall marking the northwesterly line of Mirick Road, at land, formerly of Lina Ikalainen, now or formerly, of Rockwood P. Mason (see the deed from Allen C. & Anne Ikalainen to him, dated 23rd August 1979 and recorded with said Deeds at Book 6809, Page 336, and the accompanying survey plan recorded as Plan 76 in Plan Book 455);

Thence N. 79° 35’ 55” W., 318.74 feet, by land, now or formerly, of said R.P. Mason, to another gun barrel set at a point in the 1952 Worcester County Layout of East Princeton Road (see Worcester County Commissioners Decree # 1478, dated 12th September 1952, recorded with said Deeds at Book 3451, Page 469, and Plan H-3250-R, which plan is recorded with said Deeds as Plan 80 in Plan Book 184);

Thence N. 23° 40’ 00” E., 18.04 feet, by the record highway layout line, to a point in a stone wall, at the southwesterly corner of land, formerly of Elsear Laporte, now or formerly, of Norma J. Thebeau (see the deed recorded with said Deeds at Book 6261, Page 92);

Thence N. 61° 07’ 12” E., 232.57 feet, by the stone wall and land, now or formerly, of Thebeau, to a point in a wall corner;

Thence N. about 35° W., 147.62 feet, still by the stone wall and land, now or formerly, of Thebeau, to a point in the curved Record Layout line of East Princeton Road;

Thence Northerly, along the arc of a curve to the right, having a radius of 1570.00 feet, an arc distance of 376 feet, more or less, to a point of tangency at a Worcester County Highway bound, marking the terminus of the last described curve and the beginning of the next;

Thence Easterly and southerly, along the arc of a curve to the right, having a radius of 40 feet, an arc distance of 98.99 feet, to a point of tangency, said point being in the westerly line of the Princeton-Westminster Road, known as Mirick Road;

Thence S. 12 W., 290 feet, more or less, to a point at an angle in the line;

Thence S. 16 W., 186 feet, more or less, to another point at an angle in the line of the road;

Thence S. 23 W., about 127.27 feet, more or less, to the first mentioned point at the corner with the gun barrel set, being the point and place of beginning, the last three courses being by the westerly line of Mirick Road.

Containing about 2.6 acres, more or less, by estimate.

(Note that the area of this parcel is given as 2.92 acres, as described as the first parcel in the deed
from Allen J. Ikalainen et al to Paxton Hills, Inc., dated 10/30/1998, however, no adjustment had
been made for the property sold to Rockwell P. Mason at Book 6809, Page 336, cited above, nor
had any correction been made in the parcel description as a result of the Worcester County Highway relocation of 1952.)

The total acreage of the three parcels, described above, and taken in fee herein and hereby, is calculated, from information shown upon the above cited survey plans, to be 89.2167 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in East Princeton Road-Route 31 and/or Myrick Road which may be held by the supposed owner as a result of its ownership of the above described premises, Parcel E being the same premises described as the first parcel. and Parcels A and CR being the most of the easterly and westerly portions of the same premises described as Parcel 2 in the deed from Allen J. Ikalainen and MaryAnn Mastrorio to Paxton Hills, Inc., a Massachusetts corporation with a principal place of business at 87 Main Street, Rutland MA, dated 30th October 1998 and recorded with Worcester District Registry of Deeds at Book 20615, Page 96.

The above-described property is represented upon Princeton Assessors Tax Map 8B as Lot 14 and upon Tax Map 8 as all of Lot 57-2, most of Lot 57, and a small portion of the northwesterly corner of Lot 57-1.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

AND IT IS FURTHER ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and

provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts as further described below, in the following described land situated in the Town of Princeton in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land, herein designated Parcel BR, lying upon the southerly side of the 1949 Record Worcester County Layout of East Princeton Road – Route 31, situated between the above described Parcels A and CR, more particularly bounded and described as follows:

Parcel BR

Beginning at a point in the southerly layout line of the 1949 Worcester County Layout of East Princeton Road-Route 31, near a railroad spike found, intended to mark the northwesterly corner of land, now or formerly, of the Town of Princeton, the land of said Town being the same abutting land mentioned in the description of Parcel A, above;

Thence	S. 08° 49' 13" W., 520.00 feet, by land, now or formerly, of said Town, to an MDC concrete bound set at a corner;
Thence	S. 82° 45' 46" E., 580.00 feet, by land, now or formerly, of said Town, to another MDC concrete bound at a corner and in the westerly line of Parcel A;
Thence	S. 05° 44' 00" W., 517.90 feet, by Parcel A, to a drill hole found in a stone wall, at land, formerly of Chandler Bullock, late of one Lipowczan, and now or formerly, of the Princeton Land Trust, as referenced above;
Thence	N. 34° 01' 32" W., 226.78 feet, by the wall, to a drill hole found in a wall corner;
Thence	S. 56° 40' 49" W., 233.83 feet, to a drill hole found, at or near, the end of the wall;
Thence	S. 56° 43' 50" W., 457.41 feet, to a drill hole found, at or near, the northeasterly end of the continuation of the wall, at the southwesterly corner of the parcel herein being described, and the southeasterly corner of Parcel CR, as described above, the last three courses being by land, now or formerly, of the Princeton Land Trust;
Thence	N. 36° 49' 52" W., 399.57 feet, by Parcel CR, to a point at an angle in the line;
Thence	N. 01° 18' 34" E., 847.58 feet, by Parcel CR to a point in the southerly 1949 layout line of East Princeton Road-Route 31;
Thence	N. 70° 39' 00" E., 141.49 feet, by the 1949 Highway Layout, to a point therein;

Thence N. 74° 24' 30" E., 176.14 feet, by the 1949 Highway Layout, to a point of curvature;

Thence Northeasterly, by the 1949 Highway Layout along the arc of a curve to the right, having a radius of 970.00 feet, an arc distance of 180.96 feet, to a point, near the railroad spike found, at the northwesterly corner of land, now or formerly, of the Town of Princeton, being the point and place of beginning.

Containing 17.189 acres, more or less, as shown as Parcel BR upon a survey plan entitled "Plan Of Land In Princeton Mass. Prepared For THE TRUST FOR PUBLIC LAND", dated March 12, 2002, prepared by Andrysick Land Surveying, an Office of Acton Survey & Engineering, Inc., Douglas W. Andrysick, P.L.S. #34608, which plan shall be recorded with Worcester District Registry of Deeds and be made a part of this order.

The aforementioned parcel is supposed to be owned by the following owner:

OWNER	RESTRICTION AREA TAKEN
Paxton Hills, Inc., A Massachusetts corporation	17.189 acres

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being a small portion of the 2nd parcel and most of the same premises described as the last parcel in a deed from Allen J. Ikalainen and Maryann Mastrorio to Paxton Hills, Inc., a Massachusetts corporation, dated October 30, 1998 and recorded with Worcester District Registry of Deeds at Book 20615, Page 96, but only as further described in paragraphs 1 through 14 below and not otherwise.

The above described property is represented upon Princeton Assessors Tax Map 8 as most of Lot 57-1 and a small portion of Lot 57.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcel of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads, ways, paths or portions thereof, shall be permitted on said premises, except for the recreational fields and attendant facilities and structures specifically contemplated within the management plan to be provided hereunder, including but not limited to public restrooms, concession and equipment buildings, viewing stands, parking areas, and the other recreational uses and

activities agreed to by the Metropolitan District Commission and listed on EXHIBIT "B" to be attached hereto and
incorporated herein, said Exhibit B entitled "Long Term Princeton Recreation Need for 17-acre East Princeton Road Parcel" and hereinafter to be referred to as the "Permitted Uses and Activities."

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted on said parcel, except for those utilities directly related to the Permitted Uses and Activities on said premises. Construction of a well for irrigation is permitted.

3. The Town of Princeton shall submit a management plan for the future recreational use of the parcel. The MDC Division of Watershed Management shall review the plan for approval, which approval shall not be unreasonably withheld. The plan shall outline the process for the restoration and stabilization of the gravel pit. The plan shall also detail the prospective Permitted Uses and Activities. The plan shall also specify all areas that will have impervious surfaces. The plan may be amended or supplemented from time to time as the specific recreational needs of the Town develop. The MDC Division of Watershed Management will review all such amendments and supplements for approval, which approval shall not be unreasonably withheld. The submission of the plan shall not be a prerequisite to any activity on the property that is not regulated under the Watershed Preservation Act or restricted by the provisions of this Order of Taking.

4. All activities permitted under this Order shall comply with the Watershed Protection Act. Site restoration, roadway access and recreation shall be considered within the primary zone pursuant to the variance application process of the Watershed Protection Act.

5. No wastewater disposal and septic leaching shall be permitted in the established primary and secondary zones, except that a septic system placed in the secondary zone shall be allowed if the remaining portion of the property is deemed as not suited for this purpose pursuant to Title V regulations.

6. No other municipal uses other than the recreational activities set forth within the approved management plan shall be permitted, except for the routine maintenance of the premises. Vehicular access by the Highway Department of the Town of Princeton shall be permitted at the existing access at the entrance on East Princeton Road, and/or at a location as further agreed upon by the Town and the MDC Division of watershed Management in order to address the shared use of the driveway by the Highway Department and the public.

7. Fencing and/or other barriers shall be required to be installed and maintained along the northeastern corner of the parcel, as determined and agreed upon by the Town and the MDC Division of Watershed Management.

8. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to create the recreational facilities permitted hereunder, and to grade and maintain the land.

9. No storage or stockpiling of hazardous materials, petroleum products, pesticides, herbicides and manure and fertilizers shall be permitted. Storage and use of fertilizers and lime may be permitted based on soil tests. Application of pesticides by a licensed applicator shall be permitted if necessary.

10. No fires shall be permitted.

11. No grazing or sheltering of livestock or animals shall be permitted.

12. No commercial recreational use shall be permitted; provided, however, that nothing within this Order shall be construed to prevent or otherwise impede any action by the Town of Princeton to establish and charge fees for the use of the property by another municipality, an amateur athletic league, or another similar organization. No snowmobiling, ATV use or horseback riding shall be permitted.

13. Outdoor group events coordinated by the Town of Princeton shall be permitted, provided such events are not detrimental to the watershed.

14. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement, shall be permitted.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

The total area of all the land taken in fee and restricted hereby, is calculated to be 106.4057 acres, more or less.

The damages awarded by the Commission to the owner of the land, are conditioned upon the immediate transfer by the owner of the fee interest in said Parcel BR, as restricted in accordance with this order, to the Town of Princeton, for conservation and recreation purposes.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Paxton Hills, Inc., a Massachusetts Corporation	$ 750,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $ 750,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.

1. Report of Mr. Collette, May 20, recommending that the Commission accept Care and Control of approximately 5.67 acres of land located in Watertown from the Division of Capital Asset Management and Maintenance (DCAMM).
Mr. Collette further recommends authorization for Commissioner Balfour to execute a Care and Control Agreement with DCAMM on behalf of the Commission
Mr. Collette further recommends authorization for Commissioner Balfour to execute a Memorandum of Agreement on behalf of the Commission negotiated with the Executive Office of Transportation and Construction to provide for payment of any environmental remediation found to be necessary as a result of construction activities.
The Commission V O T E D: to accept Care and Control of approximately 5.67 acres of land located in Watertown from the Division of Capital Asset Management and Maintenance (DCAMM).
The Commission further V O T E D: authorization for Commissioner Balfour to execute a Care and Control Agreement with DCAMM on behalf of the Commission
The Commission further V O T E D: authorization for Commissioner Balfour to execute a Memorandum of Agreement on behalf of the Commission negotiated with the Executive Office of Transportation and Construction to provide for payment of any environmental remediation found to be necessary as a result of construction activities.

Adjourned at 9:45 a.m., to meet on Thursday, May 30, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Thirtieth (4030th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, May 30, 2002.

Present, Commissioner Balfour and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on May 9, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Mrs. Overton Bussell and Messrs Faucher, Misslin and Abounaja, May 6, recommending approval of additional funding, in the amount of $41,223.00, for Contract No. P00-2065-D2A, with Tighe and Bond Consulting Engineers, for Licensed Site Professional Services for Various MDC Contaminated Sites, which is necessary to cover the cost of subsoil surface and ground water sampling and analysis at two sites in Dorchester, included in the Administrative Consent Order under the Clean State Program, to bring the sites into compliance with the Massachusetts Contingency Plan.
Funds are available in Account No. 2420-1420.
The Commission VOTED: Held Over.

2. Report of Messrs. Faucher and Lenhardt, May 7, requesting approval of the action of Commissioner Balfour resulting in Assignment No. 13 to Contract No. P99-1989-C1M-Emergency Standby For Bridge Repair for Repairs to Craigie Dam Drawbridge by SPS New England, as follows-Extra Work Order No. 7, Temporary Concrete Barriers, Temporary Support Columns, etc., in the amount of $35,016.99 and with contract items, the total amount is $36,659.99.
Funding from Account No. 2490-0012.
The Commission VOTED: Approved as recommended by Messrs. Faucher and Lenhardt, in their report of May 7, 2002.

3. Report of Messrs. Faucher and McCalla, May 24, recommending approval of an extension of time from June 30, 2002 to July 7, 2002, for administrative purposes only, under the provisions of Article XXII, on Contract No. P01-2094-C1A, with Vigil Electric Company, for Improvements of Street Lighting Systems on MDC Parkways and Roadways for FY2001 and FY2002.
(At no increase in Contract cost).
The Commission VOTED: to approve an extension of time from June 30, 2002 to July 7, 2002, as recommended by Messrs. Faucher and McCalla, in their report of May 24, 2002.

4. Report of Messrs. Faucher, Carrigan and MacLean, May 16, recommending approval of revisions quantities on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System, as follows-

Item No. 023-010	- Remove Transport and Reset Single Leaf Closure Gates Installation	- $1,575.00
Item No. 025-010	- Closure Gate Repair or Alteration.	- $1,398.00
Item No. 050-010	- Remove, Dispose or Store Wood Guard Rail Installation.	- $ 69.00
Item No. 054-010	- Furnish, Install, Repair or Replace Galvanized Steel Chain Link Fence 4' to 4'6" High.	- $ 846.92
Item No. 057-010	- Furnish, Install, Repair or Replace Black Vinyl – Clad, Chain Link Fence 5' High.	- $ 478.14
Item No. 058-010	- Furnish, Install, Repair or Replace Galvanized Steel Chain Link Fence 6'High	- $ 513.30
Item No. 060-010	- Furnish, Install, Repair or Replace Galvanized Steel Chain Link Fence 8' High.	- $ 136.50
Item No. 061-010	- Furnish, Install, Repair or Replace Black Vinyl-Clad Chain Link Fence 8' High.	- $ 66.00
	Total	- $5,082.86

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 035-010-Furnish and install New SS Guard Rail and Posts (Straight).
The Commission VOTED: Approved.

1. Report of Messrs. Faucher, Misslin and Haider, May 20, recommending approval of revisions in quantities on Contract No. P01-2125M1A, with Patrick J. Kennedy and Sons, Inc. for Service Maintenance of HVAC Systems at Various MDC Facilities, as follows-

Item No. 001-040-Materials & Parts	- $9,640.00
Item No. 001-010-Licensed Technician	- $4,284.00
Item No. 001-020-Licensed Technician/Overtime	- $4,800.00
Item No. 001-030-General Plumbing	- $ 556.00
Total	- $9,640.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 001-010- Hourly Rate Licensed Technician, Item No. 001-020-Overtime Hourly Rate for Licensed Technician and 001-030- Plumbing.
The Commission VOTED: Approved

2. Report of Messrs Faucher, Carrigan and MacLean, May 21, recommending approval of an extension of time from June 17, 2002 to July 2, 2002, on Contract No. P01-2101-C3A, with Tasco Construction, Inc., for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission area.
(To allow contractor time to complete work).
The Commission VOTED: to approve an extension of time from June 17, 2002, to July 2, 2002, as recommended by Messrs. Faucher, Carrigan and MacLean in their report of May 21, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation

3. Report of Messrs. Faucher, Carrigan and Machado, May 20, recommending approval of Extra Work Order No. 2, for removal and replacement of an attenuator and deteriorated medium

barrier with granite edging and concrete cap on the McGrath and O'Brien Highway-at a cost of $28,420.00, on Contract No. P00-2085-C1A, with D&R General Contracting, Inc., for Resurfacing of MDC Parkways at Various Locations Throughout the Metropolitan District.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item Nos. 002-010, 005-010, 007-010, 016-010 and 030-010).
The Commission VOTED: to approve Extra Work Order No. 2, in the sum of $28,420.00.

1. Report of Messrs. Faucher, Carrigan and MacLean, May 21, recommending approval of Extra Work Order No. 9 – for installation of gate hardware at the Connors Pool, Waltham-at a cost of $1,437.31, on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations Throughout the MDC Park System.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 012-010-Installation of Double-Leaf, Light-Weight Closure Gates).
The Commission VOTED: to approve Extra Work Order No. 9, in the sum of $1,437.31.

2. Report of Messrs. Faucher, Carrigan and MacLean, May 23, recommending approval of Extra Work Order No. 1-for cleaning catch basins and manholes-at a cost of $5,000.00, on Contract No. P01-2101-C3A, with Tasco Construction Inc., Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission area.
(At no increase in cost as the extra work will be offset by unused quantities in Item No. 003-010-Cleaning Drainage Pipe).
The Commission VOTED: to approve Extra Work Order No. 1, in the sum of $5,000.00.

3. Report of Messrs. Faucher, Griffin and Trzcinski, May 17, recommending approval of Extra Work Order No. 1, for emergency repairs to the Land Boulevard Bridge, Cambridge-at a cost of $4,511.39, on Contract No. P02-2136-C1A, with N.E.L. Corporation, for the Repair of Land Boulevard Bridge, Cambridge.
Funding from Account No. 2490-0012.
The Commission VOTED: to approve Extra Work Order No. 1, in the sum of $4,511.39.Report of Messrs. Faucher, and Lenhardt, May 23, recommending approval of Extra Work Order No. 9, to place steel plates over a deteriorated web section of one of the main steel support beams of bridge No. 25-at a cost of $3,285.02, on Contract No. P96-1819-C1A, with Boston Building & Bridge Corp., for Rehabilitation of Sweetser Bridges (Nos. 20 & 25), Everett.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 004-010-Prepare Remaining Concrete Deck).
The Commission VOTED: to approve Extra Work Order No. 9, in the sum of $3,285.02.

4. Report of Messrs. Faucher, Lenhardt and Griffin and Mrs. O'Brien and Ms. Peterson, May 20, recommending approval of an extension of time from June 12, 2002 to August 31, 2002, on Contract No. PL93-023-C2A, with D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton.
The Commission VOTED: to approve, an extension of time from June 12, 2002 to August 31, 2002, as recommended by Messrs. Faucher, Lenhardt and Griffin and Mrs. O'Brien and Ms. Peterson, in their report of May 20, 2002, to be effective, however, only upon receipt of the

written consent of the bonding company, and on condition that no further request will be made for additional compensation

1. Report of Mrs. Overton-Bussell, and Messrs. Faucher and Orfant, May 20, requesting approval of revisions in quantities, extra work order and extra work claims, on Contract No. P95-1804-C1A, with McCourt Construction Company, for Dorchester Shores Beaches Restoration Program, as follows-

REVISIONS IN QUANTITIES

Item-025-0030 Concrete Paving	-$9,075.00
Item-029-001-Loaming and Seeding	-$3,500.00

(At no increase in contract cost as the revisions will be offset by unused quantities in item T-028-015).

EXTRA WORK ORDER

No. 14-for purchase of spare lighting parts for new lighting system at Savin Hill and Tenean Beaches. It will provide 6 posts, 12 luminaries and 12 globes-at a cost of $25,941.96.
(At no increase in contract cost as the extra work will be offset by unused quantities in Item Nos. S-015-004 and S-030-003.

EXTRA WORK CLAIMS

No. 2-for additional work required for electrical feeds for the lighting systems at Savin Hill and Tenean Beaches and changes to the service cabinet at a cost of $2,925.72.
(At no increase in contract cost as the extra work claim will be offset by unused quantities in Item No. T-025-006).
No. 3-for proper disposal of contaminated material-at a cost of $36,852.34.
(At no increase in contract cost as the extra work claim will be offset by unused quantities in Item No. T-028-015).
The Commission VOTED: to approve revisions in quantities, in the amount of $12,575.00.
The Commission further VOTED: to approve Extra Work Order No. 14, in the amount of $25,941.96.
The Commission further VOTED: to approve Extra Work Claims 2 and 3, in the amount of $39,778.06.

2. Report of Messrs. Faucher, Carrigan and MacLean, May 23, recommending approval of Alteration No. 1, which will revise Extra Work Order No. 2 by increasing quantities in Item No. 3 – trie beam (double space guard rail)-at a cost of $15,457.76 and Item No. 4-remove and dispose of existing concrete in the median and replace concrete median-at a cost of $1,755.12-for a total of $17,221.20, on Contract No. P00-2087-C1A, with D'Allessandro Corporation, for Installation of Closure Gates, Guardrail and Fences at Various Locations Throughout the Metropolitan District Park System.
(At no increase in Contract cost as the Alteration will be offset by unused quantities in Item No. 035-010-Furnish and Install New SS Guardrail and Posts-Straight).
The Commission VOTED: Approved

Action was taken upon the following matter relating to the Watershed Management Division:

1. Report of Mr. McGinn, May 20, on behalf of the Southborough Board of Selectman and the Recreation Facilities Committee recommending that the Commission approve the naming of the Acre Bridge Road Multi-Purpose Recreation Field in Southborough in memory of the Massachusetts victims of the tragedy of September 11, 2001 and said field be known hereafter as "9-11 Memorial Field".
The Commission VOTED: to name the Acre Bridge Road Multi-Purpose Recreation Field in Southborough in Memory of the Massachusetts victims of the tragedy of September 11, 2001 and said field to be known hereafter as "9-11 Memorial Field".

Action was taken upon the following Various Matters:

2. Report of the Debt Collection Referral Committee, May 29, requesting that the Commission withdraw from the agenda the recommendation of the MDC Debt Collection Referral Committee initially considered by the Commission at its meeting of April 4, 2002, pertaining to the Concession Permit Agreement between the MDC and Boston Pushcart, Inc., dated July 7, 1998, but to authorize said Committee to conduct further negotiations with Boston Pushcart, Inc., and to then resubmit an agenda item for consideration by the Commission as soon as practicable, reporting the results of such negotiations, the findings of the Committee, the status of the Concession Permit Agreement at that time, and the recommendations of the Committee for all appropriate action consistent with the MDC Debt Collection Policy and Procedures. Upon questioning by Associate Commissioner Elkort, Mr. Gray responded that the debtor has been notified that the outstanding negotiated amount due and owed for concession fees at Nahant Beach is $7,917.40, and that timely payment of that amount is required by the Committee for the debtor to remain in operation.
The Commission V O T E D: to Delete from the agenda the recommendation of the MDC Debt Collection Referral Committee initially considered by the Commission at its meeting of the April 4, 2002, pertaining to the Concession Permit Agreement between the MDC and Boston Pushcart, Inc., dated July 7, 1998.
The Commission further V O T E D: to authorize said Committee to conduct further negotiations with Boston Pushcart, Inc., and to then resubmit an agenda item for consideration by the Commission as soon as practicable, reporting the results of such negotiations, the findings of the Committee, the status of the Concession Permit Agreement at that time, and the recommendations of the Committee for all appropriate Commission action consistent with the MDC Debt Collection Policy and Procedures.

3. Report of the Debt Collection Committee, April 1, recommending that Boston Pushcart, Inc., Joseph Bono, be terminated and no longer be permitted to conduct any business with the Commission or on its property, due to failure to meet financial obligations with the Commission and further to refer the vendor to a debt collection agency listed on the Commission's Master Service Agreement for collection. The above recommendation shall apply to Boston Pushcart, Inc., Joseph Bono, and any and all of its successors, assigns, or re-incorporations.

Debtor	**Unpaid Balance**	**Time Period Past Due**
Boston Pushcart, Inc. Joseph Bono	$35,724.36	42 months

The Commission V O T E D: Delete from Agenda.

1. Report of Mr. Jewett, May 24, requesting approval of three Amendments to Open Order Contract No. GC02-0002, for Watershed Land Acquisition Program FY2002-Professional Real Estate Title Examination Services, as approved by the vote of the Commission on February 2, 2002 and April 25, 2002.

By vote of the Commission on April 11, 2002, these services were awarded in the amount of $27,135.00, as follows-

(The initial value and number of assignments in shown in parentheses. The revised totals are shown in bold figures)

NAME		VALUE	ASSIGNMENTS
Law Offices of Peter E. Flynn		($10,070.00)	(11)
78 Essex Street		$ 5,085.00	6
Saugus, MA 01906-	Totals	$15,155.00	17
Tamagini & Bloomenthal		($ 6,650.00)	(7)
935 Main Street		$ 5,450.00	5
Waltham, MA 02451-	Totals	$12,100.00	12
Valley Title Company LTC		($ 5,400.00)	(6)
22 Federal Street		$ 800.00	1
P.O. Box 1516			
Greenfield, MA 01302-	Totals	$ 6,200.00	7

Mr. Jewett further requires authorization for Commissioner Balfour to execute the amendments on behalf of the Commission.

Account No. 2421-9936.

Completion date remains June 30, 2002.

The Commission VOTED: Approved as recommended by Mr. Jewett in his report of May 24, 2002.

The Commission further VOTED: authorization for Commissioner Balfour to execute the contracts on behalf of the Commission.

2. Report of Mr. Jewett, May 28, requesting approval and award of Contract No. CS-LEP#2, for lead paint removal from various painted surfaces at the Chickatawbut Education Center, the Environmental Restorations), Inc., the only bidder, with a bid of $15,345.00.

Mr. Jewett further requests authorization for Commissioner Balfour to execute the contract on behalf of the Commission.

Completed Date – June 30, 2002.

Account No. 2440-4994.

3. Report of Mrs. O'Brien and Ms. Garnett, May 24, requesting approval of a Amendment to the Interagency Service Agreement with the Mass. Highway Department regarding transfer of ISTEA Enhancement Funds for Neponset River Trail (#8818), which will extend the Interagency Service Agreement to June 30, 2005.

Mrs. O'Brien and Ms. Garnett further request authorization for Commissioner Balfour to send a letter to John Blundo, Deputy Chief Engineer at Mass. Highway Department requesting the extension.

The Commission VOTED: Approved.

The Commission further VOTED: authorization for Commissioner Balfour to send a letter to John Blundo, Deputy Chief Engineer at Mass. Highway Department requesting the extension of time.

1. Report of Mrs. O'Brien and Ms. Garnett, May 24, requesting approval of an Interagency Service Agreement (ISA) between the MDC and Mass. Highway Department (MHD) regarding transfer of additional ISTEA Enhancement Funds for Neponset River Trail (#8818). The ISA will enable the MHD to transfer $560,000 to the MDC for a total of $2,279,807.00. Mrs. O'Brien and Ms. Garnett further request authorization for Commissioner Balfour to execute the ISA on behalf of the Commission.
The Commission VOTED: to approve an Interagency Service Agreement between the MDC and the Massachusetts Highway Department, which enables the transfer of $560,000.00 to the MDC for a total of $2,279.807.00 in ISTEA Enhancement Funds from Mass. Highway Department to the MDC for additional work on construction of the Neponset River Trail.
The Commission further VOTED: authorization for Commissioner Balfour to execute the Interagency Service Agreement between the MDC and the Mass. Highway Department.

Action was taken upon the following matters relating to the Office of General Counsel:

2. Report of Ms. McLaughlin, May 23, recommending that the Commission adopt an Order of Taking for acquisition of approximately 78.142 square feet, or 1.794 acres of land owned by Andrea F. Costello, located in the Hyde Park district of the City of Boston, Massachusetts, and to approve an award of damages in the amount of $50,000.00 together with such damages and costs as required under General Laws, Chapter 70, Section 6, 12, 39 and 44A.
The Commission VOTED: to adopt an order of taking for approximately 78,142 square feet, or 1,794 acres of land owned by Andrea F. Costello, located in the Hyde Park district of the City of Boston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, May 30, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 15 of the Acts of 1996, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Hyde Park District of the City of Boston (formerly the Town of Hyde Park, Norfolk County) in the County of Suffolk and Commonwealth of Massachusetts, namely:

A certain parcel of land lying northerly of the terminus of Gordon Avenue, surrounded by lands of the Commonwealth of Massachusetts, MDC, known as Stony Brook Reservation, and being the northeasterly and remaining portion of "Wood Lot No. 1" as shown upon a recorded plan referenced at the conclusion of this description, more particularly bounded and described as follows:

Beginning at the southwesterly "corner" of the parcel herein being described, at a point in a curve marking the northeasterly line of the Stony Brook Reservation as established by Order of Taking No. 14 voted by the Metropolitan Parks Commission on September 6, 1894 and recorded with Norfolk County Registry of Deeds at Book 723, Page 41 with its taking plan recorded as Plan # 745, said point being at the northwesterly "corner" of the remaining portion of Wood Lot No. 2, land, formerly of Henry S. Grew, later of John L. Lacey, et al, late of the City of Boston, and now of the Commonwealth of Massachusetts, MDC, and being a portion of Stony Brook Reservation (see 2nd parcel in the deed dated 15 June 1999 recorded with Suffolk County Registry of Deeds at Book 23901, Page 126);

Thence Northwesterly, along the arc of a curve to the right, having a radius of 2576.16 feet, an arc distance of 171.50 feet, to a point at the northwesterly "corner" of the parcel being described, and the southeasterly "corner" of land, formerly of Eben Kilton, later of Alpheus P. Blake, still later of the Boston Council, Inc. of the Boy Scouts of America, late of the City of Boston, and now of the Commonwealth of Massachusetts, Metropolitan District Commission, (see 3rd parcel in the last deed cited above);

Thence N. 66° 30' 00" E., 445.60 feet, by land, formerly of E. Kilton, now a portion of Stony Brook Reservation, to a point at the northwesterly corner of the parcel herein being described, and land, formerly of the "Dorchester 2nd Church, later of Dianne G. Nolbish Rayner, Trustee of the Stoney Brook Reservation Realty Trust, and now of the Commonwealth of Massachusetts, Metropolitan District Commission, being a portion of Stony Brook Reservation (see order of taking dated June 9, 1994 recorded with said Deeds at Book 19170, Page 105);

Thence S. 18° 00'00" E., 171.0 feet, by Stony Brook Reservation, to a point at the southeasterly corner of the remainder parcel herein being described, said point being also at the northeasterly corner of Wood Lot No. 2, land formerly of Henry S. Grew, later of John E. Lacey, et al, late of the City of Boston, and now of the Commonwealth of Massachusetts, Metropolitan District Commission, and being a portion of Stony Brook Reservation (see 2nd parcel in the deed dated 15 June 1999 and recorded with said Deeds at Book 23901, Page 126);

Thence Southwesterly, 463.0 feet, by Wood Lot No. 2, as shown upon the recorded plan cited below at the conclusion of this description, to the first mentioned point at a "corner", being the point and place of beginning.

The above- described premises is the remaining portion of Wood Lot No. 1 (following three

takings and an abandonment by the Commonwealth of Massachusetts, Metropolitan Parks Commission) as shown upon a wood-lot subdivision plan entitled "Plan of Woodland, at Muddy Pond Dorchester. Belonging to the Estate of Dea Edward Sharp. Dec'd.", drawn January 27, 1859, Luther Briggs, Jr. Surveyor, which plan is recorded with Norfolk County Registry of Deeds in Deed Book 274 following the instrument recorded on Page 101. Based upon the record plan cited above, the takings and abandonment of the Commonwealth of Massachusetts, MPC, and the descriptions contained in a release deed from James C. Sharp to the Commonwealth of Massachusetts, dated June 24, 1896 and recorded with Norfolk County Registry of Deeds at Book 763, Page 421, the remainder parcel, taken herein and hereby, is calculated to contain 78,142 square feet, or 1.794 acres, more or less.

Refer to the following Commonwealth of Massachusetts, Metropolitan Parks Commission orders of taking and abandonment, which changed the bounds of the remainder parcel described above:

MPC Order of Taking No. 10, dated April 30, 1894, and recorded with Norfolk County Registry of Deeds at Book 716, Page 83, and its accompanying plan recorded as Plan No. 731.

MPC Order of Taking No. 14, dated September 6, 1894, and recorded with Norfolk County Registry of Deeds at Book 723, Page 41, and its accompanying plan recorded as Plan No. 745.

MPC Order of Taking No. 73, dated August 19, 1896, and recorded with Norfolk County Registry of Deeds at Book 768, page 583, and its accompanying plan recorded as Plan No. 858 in Plan Book 19.

Deed of Abandonment, Commonwealth of Massachusetts, Metropolitan Parks Commission to James C. Sharp, dated August 19, 1896, and recorded with Norfolk County Registry of Deeds at Book 768, Page 591.

IT IS NOTED that recent deed descriptions of the above- described property, beginning with a tax deed dated June 10, 1924 and recorded with Suffolk County Registry of Deeds at Book 4597, Page 201, described the total area of this parcel as 65,340 square feet. This area is the same one currently carried on City of Boston Records.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the same premises described in a deed from Lillian R. Costello to Andrea F. Costello, dated 14th July 1983 and recorded with Suffolk County Registry of Deeds at Book 10437, Page 102.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph

communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The above described premises is carried upon the City of Boston Tax Rolls as Ward 18 Parcel 11448, and represented as such upon Assessors Plan Ward~18126 Part Block~413-459-460.

The concurrence of the Park and Recreation Commissioners of the City of Boston, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.
The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNER	AWARD
Andrea F. Costello	$ 50,000.00

The Commission further VOTED: to approve an award of damages in the amount of $50,000.00, together with such damages and costs as required under General Laws, Chapter 70, Section 6, 12, 39 and 44A

1. Report of Mr. Gray and Mrs. O'Brien, May 28, recommending that the Commission approve and execute the Care and Control Agreement between the Division of Capital Asset Management and Maintenance and the Metropolitan District Commission, which sets forth the terms and provisions for the transfer to the Commission of a certain parcel of land containing approximately 254 acres and known as the MDC Reservation Site, located in the Towns of Belmont and Lexington and the City of Waltham, Massachusetts, for use as a public recreation area and reservation, subject to the terms and provisions of said Care and Control Agreement and Chapter 309 of the Acts of 1996, and to further authorize Commissioner Balfour to sign said Agreement on behalf of the Commission.
The Commission VOTED: Approved as recommended by Mr. Gray and Mrs. O'Brien in their report of May 28, 2002.
The Commission further VOTED: authorization for Commissioner Balfour to execute the Care and Control Agreement on behalf of the Commission.

Adjourned at 9:55 a.m., to meet on Thursday, June 6, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Thirty First (4031st) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, June 6, 2002,

Present, Commissioner Balfour and Associate Commissioners Carr, Rollins and Sheppard.

The Records of the Commission Meeting held on May 16, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Mrs. Overton Bussell and Messrs Faucher, Misslin and Abounaja, May 6, recommending approval of additional funding, in the amount of $41,223.00, for Contract No. P00-2065-D2A, with Tighe and Bond Consulting Engineers, for Licensed Site Professional Services for Various MDC Contaminated Sites, which is necessary to cover the cost of subsoil surface and ground water sampling and analysis at two sites in Dorchester, included in the Administrative Consent Order under the Clean State Program, to bring the sites into compliance with the Massachusetts Contingency Plan.
Funds are available in Account No. 2420-1420.
The Commission V O T E D: Approved

2. Report of Messrs. Faucher and Lenhardt, May 31, requesting approval of the action of Commissioner Balfour resulting in an Assignment and Extra Work Order on Contract No. P99-1989-C1N, performed by SPS New England, for Emergency Standby for Bridge Repair, as follows –
Assignment No. 14 – Emergency Repairs to Neponset River Bridge to Contract No. P99-1989-C1A – Master Service Contract.
Extra Work Order No. 8 – Temporary Support Columns in the amount of $15,266.09.
Funding from Account No. 2490-0012.
The Commission V O T E D: to approve the action of Commissioner Balfour which resulted in an Assignment and Extra Work Order on Contract No. P99-1989-C1N.
The Commission further V O T E D: to approve Assignment No. 14 and Extra Work Order No. 8, in the amount of $15,266.09.

3. Report of Messrs. Faucher, Carrigan and MacLean, May 20, recommending approval of the request of the Contractor to engage the services of Rapid Flow, Inc., as subcontractor for pipe cleaning – at a cost of $51,000.00, on Contract No.P01-2101-C3A, with Tasco Construction, Inc., for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission Area..
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher, Misslin, Brooks, Martinez and Kane, May 31, requesting approval of an extension of time from June 30, 2002 to November 30, 2002, on Contract No.P02-2138 C1A, with E. A. Colangeli Construction Co., Inc., for Foundation for the

Visitors Center and Construction of Maintenance Building at Breakheart Reservation, Saugus. The Commission V O T E D: to approve an extension of time from June 30, 2002 to November 30, 2002, as requested by Messrs. Faucher, Misslin, Brooks, Martinez and Kane in their report of May 31, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Mr. Faucher and Mrs. Graves Jones, May 30, recommending approval of an extension of time from June 30, 2002 to July 14, 2002, on Contract No.P01-2132-M1A, with Hi-Way Safety Systems, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC.
(At no additional contract cost).
The Commission V O T E D: to approve an extension of time from June 30, 2002 to July 14, 2002, as recommended by Mr. Faucher and Mrs. Graves Jones, May 30, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Messrs. Faucher, Misslin and Abounaja, May 14, recommending approval of Amendment No. 7 – for the following tasks –
(1410 Soldiers Field Road Site)
Task 1A - Phase IV Remedy Implementation Plan (RIP)
Task 2A - Soil Excavation
Task 3A - Groundwater Monitoring
Task 4A - Reporting
(Ward 22, Parcel 577 – 1 Site)
Task 1B - Monitoring Well Installation
Task 2B - Groundwater Monitoring
Task 3B - Phase IV Remedy Implementation Plan
Task 4B – Remedy Implementation
On Contract No. P00-2065-D1A, with GEI Consultants, Inc., for Licensed Site Professional (L.S.P.) Services for Various MDC Contaminated Sites, at a cost of $51,162.00.
Funding from Account No. 2440-4994.
The Commission V O T E D: Approved

3. Report of Messrs. Faucher, Misslin and Abounaja, May 14, requesting approval and execution of Amendment No. 10 – for the preparation of Tier 1B Permit Extension Application – at a cost of $3,350.00, on Contract No.P95-1768-D2A, with Camp Dresser & McKee, Inc., for Licensed Site Professional (L.S.P.) Services for Various MDC Facilities, (Indian Line Farm).
Funds available in Account No. 2440-4994.
The Commission V O T E D: Approved.
As the Amendment did not arrive in time for today's meeting, the Commission further V O T E D: to authorize Commissioner Balfour to execute the Amendment on behalf of the Commission

4. Report of Messrs. Faucher, Carrigan and MacLean, May 24, recommending approval of revisions in quantities on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for

Installation of Closure Gates, Guard Rail and Fences, at Various Locations of the Metropolitan District Park System, as follows –
Item No. 017-010 – Individual Lock Post - $793.90
Item No. 054-010 – Galvanized Chain Link Fence (4'-4.5'High) - $136.60
Total - $930.50
(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 035-010 – Furnish and Install SS Guard Rail and Posts – Straight).
The Commission V O T E D: Approved

1. Report of Messrs. Faucher, Misslin and Balicki, May 28, requesting approval of the action of Deputy Commissioner Faucher resulting in revisions in quantities on Contract No.P02-2155-C1A, with Prime Coatings, Inc., for Waterblast, Patch Paint and Caulk Swimming Pools, Various Locations, as follows –
Item No. 001-010 – Waterblasting - $ 7,733.60
Item No. 001-050 – Painting - $ 2,607.95
Total - $10,341.55
(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 001-030 – Scraping and 001-040 – Caulking).
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher, which resulted in revisions in quantities on Contract No.P02-2155-C1A.
The Commission further V O T E D: to approve the Revisions in Quantities, in the amount of $10,341.55.

2. Report of Messrs. Faucher, Misslin and Balicki, May 29, recommending approval of an extension of time from June 1, 2002 to July 1, 2002, primarily for administrative purposes, but also to provide time that revisions may require, on Contract No.P02-2155-C1A, with Prime Coatings, Inc., for Waterblast, Patch, Paint and Caulk Swimming Pools, Various MDC Locations.
(At no additional Contract cost).
The Commission V O T E D: to approve an extension of time from June 1, 2002to July 1, 2002, as recommended by Messrs. Faucher, Misslin and Balicki in their report of May 29, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher and Thurlow, May 15, requesting approval of Project Summary, Work Schedule, Project Justification and requesting authorization to advertise Project No.P02-2144-C1A, for Rehabilitation of John J. Moynihan Memorial Playground in Hyde Park.
Estimated Cost - $150,000.00.
Completion – Fall of 2002.
Account No. 2440-7991.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P02-2144-C1A, for Rehabilitation of John J. Moynihan Memorial Playground in Hyde Park.

1. Report of Messrs. Faucher, Lenhardt and Griffin and Mrs. O'Brien and Ms. Peterson, May 31, recommending approval of Revisions in Quantities and Extra Work Orders on Contract No.PL93-023-C2A, with D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton, as follows –

REVISIONS IN QUANTITIES

Item No. 02720-10 Chain Link Gate, Galv. Dble. Leaf (6 Ft.H., 12 Ft.W.)	$1,300.00
Item No. 02510-4 Granite Curb VA-4 (Straight-6" Width)	$10,400.00
Item No. 02200-5 Gravel Borrow	$1,335.00
Item No. 01590-1 Engineer's Field Trailer	$8,750.00
Item No. 02510-14 Filter Fabric (Trench Drain)	$642.00
Item No. 02510-12 PVC Pipe, 6" Perf. for Trench Drain	$8,250.00
Item No 02720-1 Wood Guard Rail Fence	$9,125.00
Item No. 02720-8 Chain Link Fence, Black Vinyl, 5 Ft. High	$7,500.00
Item No. 02720-4 Shurcliff Closure Gate, Single Leaf	$5,000.00

Total Revisions - $52,302.00

EXTRA WORK ORDERS

Extra Work Order No. 9 Concrete Repair Under Neponset Railroad Bridge	$4,710.39
Extra Work Order No. 10 Removal and Disposal of Existing Paving From Station 58 + 17 to 59 + 00 Along Neponset Marsh	$1,260.13
Extra Work Order No. 11 Construction of 4 Drainage Sumps at Foot of Hill in Keystone Garden	$6,581.83
Extra Work Order No. 12 Paint Concrete Walk Under the Neponset River Bridge	$4,368.09

Total Extra Work Orders - $16,920.44.

Combined Total of Revisions and Extra Work - $69,222.44.

Funding from Account No. 2420-8961.

The Commission V O T E D: to approve the Revisions in Quantities, in the amount of $52,302.00.

The Commission further V O T E D: to approve Extra Work Order No. 9, in the amount of $4,710.39.

The Commission further V O T E D: to approve Extra Work Order No. 10, in the amount of $1,260.13.

The Commission further V O T E D: to approve Extra Work Order No. 11, in the amount of $6,581.83.

The Commission further V O T E D: to approve Extra Work Order No. 12, in the amount of 4,368.09.

1. Report of Messrs. Faucher, Misslin and Haider, May 20, on bids for Replacement of 5 Ton Natural Gas Absorption Chillers at Ponkapoag Golf Course, Canton, Contract No. P02-2163-C1A.

(Messrs. Faucher, Misslin and Haider recommend acceptance of the lowest bid received, that of Patrick J. Kennedy & Sons, Inc., of $61,300.00).

Associate Commissioner Rollins noted that in the past she declined to vote on agenda items concerning Patrick J. Kennedy & Sons, Inc., due to poor utilization of minorities on their MDC Contracts.

However, recently she has seen an improvement in the firms' minority utilization and as long as they continue in this direction, she will vote on items concerning Patrick J. Kennedy & Sons, Inc.

The Commission V O T E D: to accept the lowest bid received, that of Patrick J. Kennedy & Sons, Inc., of $61,300.00.

2. Report of Messrs. Faucher, Carrigan and MacLean, May 30, recommending approval of revisions in quantities on Contract No P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District, as follows –

Item No. 001-010 -	Unclassified Excavation	$8,760.00
Item No. 003-020 –	Reclaimed Pavement Borrow Material for Sub-Base Course	$1,586.00
Item No. 004-010 -	Loam Borrow	$1,032.50
Item No. 008-010 -	Utility Boxes Adjusted to Grade	$ 550.00
Item No. 009-010 –	Curbing or Edging Removed and Disposed of	$3,425.00
Item No. 010-010 –	Granite Edgestone Removed and Reset	$7,386.23
Item No. 016-010 –	Cement Concrete in Front of Edgestone	$3,500.00
	Total -	$26,239.73

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 005-010, 011-010, 012-010, 014-010, 015-010, 019-010, 020-010, 021-010 and 031-010).

The Commission V O T E D: Approved

3. Report of Messrs. Faucher, Carrigan and MacLean, May 29, recommending approval of revisions in quantities on Contract No P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District, as follows –

Item No. 001-010 -	Unclassified Excavation	$5,700.00
Item No. 003-020 –	Reclaimed Pavement Borrow Material for Sub-Base Course	$2,600.00

Item No. 010-010 – Granite Edgestone Removed and Reset	$ 825.00
Item No. 011-010 – Granite Edgestone (Type VA-4, 6"x 18" Straight)	$4,812.50
Item No. 014-010 – Granite Corner Blocks 2'Radius	$ 660.00
Item No. 015-010 – Pavement Trimming	$ 700.00
Item No. 016-010 – Cement Concrete in Front of Edge-Stone	$1,200.00
Item No. 019-010 – Cement Concrete Sidewalks, Driveways, Medians and Traffic Islands – 6" Thick	$4,500.00
Item No. 020-010 – Pedestrian Ramps	$10,400.00
Item No. 021-010 – Bituminous Concrete for Sidewalk, Patching, Small Parking Lots and Sport Courts	$18,562.50
Total -	$49,960.00

Funding from Account No. 2490-0017.
The Commission V O T E D: Approved

1. Report of Messrs. Faucher, Carrigan and Machado, May 29, recommending approval of revisions in quantities on Contract No P00-2085-C1A, with D & R General Contracting, Inc., for Resurfacing MDC Parkways at Various Locations Throughout the Metropolitan District, as follows –

Item No. 004-010 – C.B. & M.H. ADJ. to Grade	$1,500.00
Item No. 008-010 – Bit. Conc. for Sidewalks	$6,825.00
Item No. 009-010 – Bituminous Tack Coat	$6,000.00
Item No. 014-010 – Pavement Trimming	$ 750.00
Item No. 015-010 – Cement Conc. in front of Edgestone	$1,800.00
Item No. 018-010 – 12" Reflectorized Pavement Markings (Thermoplastic)	$7,251.60
Item No. 020-010 – Traffic Signal Detector Loops	$16,500.00
Total -	$40,626.60

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 003-010, 005-010 and 010-010).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Misslin and Kane, June 3, requesting approval of Extra Work Order No. 4, for construction of roof tie-ins from wing roofs to center roof – Breakheart Reservation, Saugus – at a cost of $13,600.00, on Contract No. P02-2138-C1A, with E. A. Colangeli Construction Co., Inc., for Foundation for the Visitors Center and Construction of Maintenance Building at Breakheart Reservation, Saugus.
Funding from Account No. 2440-7991.
The Commission V O T E D: to approve Extra Work Order No. 4 in the amount of $13,600.00.

1. Report of Messrs. Faucher, Misslin, Kane and Balicki, June 3, requesting approval of Extra Work Order No. 3, for construction of foundation pedestals for farmers porch – saw cut floor slab and repair electrical piping – and installation of make-up air louvers in fireplace, - at a cost of $14,435.71, on Contract No. P02-2138-C1A, with E. A. Colangeli Construction Co., Inc., for Foundation for the Visitors Center and Construction of Maintenance Building at Breakheart Reservation, Saugus.
Funding from Account No. 2440-7991.
The Commission V O T E D: to approve Extra Work Order No. 3, in the amount of $14,435.71

2. Report of Messrs. Faucher, Carrigan and MacLean, June 4, recommending approval of revisions in quantities on the following items on Contract No.P01-2101-C3A, with Tasco Construction, Inc., for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission area, as follows –

Item No. 010-010 Rebuilding Deteriorated Catch Basins and Manholes (Excluding Cost of Castings).	$19,250.00
Item No. 002-010 Furnishing and Installing New Frames and Grates/ Covers	$ 2,000.00
Item No. 003-010 Cleaning Drainage Pipe	$14,350.00
Item No. 004-010 Safety and Traffic Controls for Construction Operations	$ 9,600.00
Total -	$45,200.00

Funding from Account No. 2490-0010.
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher, Carrigan and MacLean, June 4, recommending approval of an Alteration to Item No. 005-010 – Traffic Control Services – at a cost of $4,800.00, on Contract No.P01-2101-C3A, with Tasco Construction, Inc., for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission Area.
Funding from Account No. 2490-0010.
The Commission V O T E D: to approve an Alteration to Item No. 005-010 – Traffic Control Services – at a cost of $4,800.00, as recommended by Messrs. Faucher, Carrigan and MacLean in their report of June 4, 2002.

4. Report of Messrs Faucher, Misslin and Balicki, June 5, recommending approval of an extension of time from June 30, 2002 to August 30, 2002 and revisions in quantities on Contract No. P00-2078-M2A, with Lewis Refrigeration Systems, for Maintenance of Refrigeration Systems for all MDC Ice Rinks, as follows -

Item Nos. 021-010 – General Conditions –	at a cost of $ 4,000.00,
022-010 – Place Equip. in Operation –	at a cost of $ 1,000.00,
023-010 – Prov. Maint. Service –	at a cost of $ 5,000.00,
and 025-010 – Mat. And Parts –	at a cost of $ 5,000.00.
	Total - $15,000.00.

Funding from Account No. 2440-0010.
The Commission V O T E D: to approve an extension of time from June 30, 2002

to August 30, 2002, as recommended by Messrs. Faucher, Misslin and Balicki, in their report of June 5, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation. The Commission further V O T E D: to approve Revisions in Quantities, in the amount of $15,000.00.

1. Report of Messrs. Faucher, Carrigan and Machado, June 4, recommending approval of revisions in quantities on Contract No.P00-2085-C1A, with D & R General Contracting, Inc., for Resurfacing MDC Parkways at Various Locations Throughout the Metropolitan District, as follows –

Item No. 002-010 0” – 4” Cold Planing	$70,995.00
Item No. 004-010 Catch Basins and Manholes Adjusted to Grade	$2,000.00
Item No. 007-010 Bituminous Concrete	$146,475.00
Item No. 008-010 Bit. Conc. for Sidewalks, Driveways, Patching & Small Parking Lots	$17,875.00
Item No. 009-010 Bituminous Tack Coat	$2,800.00
Item No. 016-010 4” Reflectorized Pavement Markings (Thermoplastic)	$6,240.00
Item No. 018-010 12” Reflectorized Pavement Markings (Thermoplastic)	$1,080.00
Item No. 019-010 Reflectorized Pavement Symbols and Legends (Thermoplastic)	$1,085.00
Item No. 020-010 Traffic Signal Detector Loops	$4,950.00
Item No. 021-010 Traffic Control Services	$6,500.00
	Total - $260,000.00

Funding from Account Nos. 2490-0017 and 2440-8952.
The Commission V O T E D: Approved.

2. Report of Mr. Faucher and Mrs. Graves Jones, June 5, recommending approval of revisions in quantities on the following items on Contract No. P01-2132-M1A, with Hi-Way Safety Systems, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC, as follows –

Item No. 003-010 4” Reflectorized Line (Thermoplastic)	$13,000.00
Item No. 005-010 Reflectorized Line (Thermoplastic)	$28,500.00

Item No. 007-010 Reflectorized Pavement Symbols & Legends (Thermoplastic)	$ 6,000.00
Item No. 010-010 Traffic Control Services	$ 2,500.00
Total -	$50,000.00

Funding from Account No. 2490-0017.
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Baratta, May 16, requesting approval of a revision in quantities, an alteration and an alternate on Contract No. WM0061 – C1W (2000 – 1W), with Albanese Brothers, for Final Phase Sewer Project in the Town of West Boylston, as follows –

2.

REVISION IN QUANTITIES

No. 1 – to reduce Item 10 (F), Control Density Fill, by $802,500.00 by 20,062.5 CY from 22,000 to 1,937.5 CY and to reduce Item 9 (c), permanent pavement 1 ½ inch by $194,985.00 by 64,995 SY from 200,500 to 135,505 SY.

ALTERATION

No. 1 – addition of Item 10 (i), trench restoration in State Highway for $396,000.00 for 13,000 LF and 5 (J), excavation and backfill of unsuitable material above normal grade in state highway for $6,500.00 for 500 LF to replace Item 10 (f) where allowed by Mass Highway Dept. in the subject contract.

ALTERNATE B

addition of items as bid for $494,985.00 and Item 1 (1) Bypass Piping allowance for $100,000.00.

Messrs. McGinn and Baratta further request authorization for Commissioner Balfour to execute the Division of Work Agreement with West Boylston Water District and any and all other documentation required for this project.
The Commission V O T E D: to approve REVISION IN QUANTITIES No. 1 – to reduce Item 10 (F), Control Density Fill, by $802,500.00 by 20,062.5 CY from 22,000 to 1,937.5 CY and to reduce Item 9 (c), permanent pavement 1 ½ inch by $194,985.00 by 64,995 SY from 200,500 to 135,505 SY..
The Commission further V O T E D: to approve ALTERATION No. 1 – addition of Item 10 (i), trench restoration in State Highway for $396,000.00 for 13,000 LF and 5 (J), excavation and backfill of unsuitable material above normal grade in state highway for $6,500.00 for 500 LF to replace Item 10 (f) where allowed by Mass Highway Dept. in the subject contract.
The Commission further V O T E D: to approve ALTERNATE B - addition of items as bid for $494,985.00 and Item 1 (1) Bypass Piping allowance for $100,000.00.

The Commission further V O T E D: authorization for Commissioner Balfour to execute the Division of Work Agreement with West Boylston Water District and any and all other documentation required for this project.

1. Report of Messrs. Pula and McGinn, May 30, requesting that the Commission rescind its vote of May 16, 2002 accepting the bid of Green Meadow Lumber in the amount of $11,100.00 for Lumber Timber Sale No. R10NQ and award the lot to the second highest bidder, Hubbard Forest Industries, in the amount of $9,683.32.
(Green Meadow Lumber failed to make final payment by due date of May 24, 2002).
The Commission V O T E D: to rescind its vote of May 16, 2002 accepting the bid of Green Meadow Lumber in the amount of $11,100.00 for Lumber Timber Sale No. R10NQ and award the lot to the second highest bidder, Hubbard Forest Industries, in the amount of $9,683.32, as requested by Messrs. Pula and McGinn, in their report of May 30, 2002.

Action was taken upon the following matters relating to the Office of General Counsel:

2. Report of Ms. Murphy, May 30, recommending that the Commission adopt an Order of Taking for approximately 67.163 acres of land owned by Lawrence Seligman, located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $100,744.50 together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for approximately 67.163 acres of land owned by Lawrence Seligman, located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 6, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the easterly side of the road leading from Hubbardston to Templeton, known as Root Road in Hubbardston, and South Road in Templeton, in the westerly part of the said Town of Hubbardston, at or near the Hubbardston-Templeton Town Line, shown as Parcel "B" upon a subdivision survey cited at the conclusion of the description set forth below, more particularly bounded and described as follows:

Beginning at a point in the easterly line of the said town road, at the northwesterly corner of the parcel herein being described, and the southwesterly corner of the abutting parcel, in Templeton, now or formerly, of John S. Jasinski (see the deed recorded with Worcester District Registry of Deeds at Book 7846, Page 219, and the accompanying survey plan recorded as Plan 66 in Plan Book 351);

Thence	N. 63° 42' 56" E., 688.95 feet, by land, now or formerly, of J.S. Jasinski, entering and running by a stone wall, to a point in a stone wall corner, at land, in Templeton, now or formerly, of Gordon P. & Barbara A. Hamilton (see the deed recorded with said Deeds at Book 18142, Page 98, and the accompanying survey plan recorded as Plan 107 in Plan Book 453);
Thence	S. 35° 55' 54" E., 13.76 feet, by the stone wall, and land, now or formerly, of G.P. & B.A. Hamilton, to a point in a wall corner;
Thence	N. 64° 51' 09" E., 997.85 feet, by the stone wall and land, now or formerly, of G.P. & B.A. Hamilton, to a drill hole set at or near the end of the wall, at other land, formerly of Gordon P. & Barbara A. Hamilton, now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the order of taking dated 02/21/2002 recorded with said Deeds on 03/20/2002 at Book 26197, Page 73);
Thence	N. 65° 33' 17" E., 943.07 feet, along the remnants of a wire fence, by land, formerly, of G.P. & B.A. Hamilton, now of the Commonwealth of Massachusetts, MDC, crossing Canesto Brook and running to a drill hole set at or near the westerly end of another stone wall;
Thence	N. 64° 48' 15" E., 236.08 feet, by the stone wall, and land, formerly, of G.P. & B.A. Hamilton, now of the Commonwealth of Massachusetts, MDC, to a drill hole found in another wall corner, at the northeasterly corner of the premises herein being described, the southwesterly corner of land, in Templeton, now or formerly, of Lawrence P. Laine (see the deed recorded with said Deeds at Book 13235, Page 169, and the survey plan recorded as Plan 105 in Plan Book 645), and the northwesterly corner of land, now or formerly, of Ronald J. Laine (see the second tract in the deed recorded with said Deeds at Book 5074, Page 324, and see also the plan drawn for Lauri Emill Mington by Michael S. Szoc, dated Feb. 25, 1964), the last five courses being by or near the Hubbardston-Templeton Town Line;
Thence	S. 21° 09' 13" E., 207.41 feet, by the stone wall and land, now or formerly, of R.J. Laine, to a drill hole set at or near the southerly end of the wall;

Thence S. 21° 37’ 19” E., 572.84 feet, along the remains of a wire fence and by land, now or formerly, of R.J. Laine, to another drill hole set at or near the northerly end of another stone wall segment;

Thence S. 21° 47’ 46” E., 410.08 feet, by the stone wall segment and land, now or formerly, of R.J. Laine, to an iron pin set at the southerly end of the wall segment;

Thence S. 22° 31’ 32” E., 622.80 feet, along the remains of a wire fence and by land, now or formerly, of R.J. Laine, to a point at the southeasterly corner of the premises being described herein, said point being near a drill hole set in the stone wall marking the line between land, now or formerly, of R.J. Laine and land of the Commonwealth of Massachusetts, Department of Environmental Management, known as the “Gale Pasture” (see the instrument recorded with said Deeds at Book 2661, Page 96), said point being at the northeasterly corner of another Commonwealth of Massachusetts, DEM, lot known as the “Kendall Lot” (see the deed of Chester B. & Josephine A. Kendall, dated February 7, 1924 recorded with said Deeds, at Book 2325, Page 298), both of these lots are part of Hubbardston State Forest;

Thence S. 65° 04’ 16” W., 1959.28 feet, by the “Kendall Lot”, along wire fence remnants, re-crossing Canesto Brook, and running to a point at the southeasterly corner of Parcel “A”, other land, now or formerly, of the supposed owner listed below, excluded from the provisions contained in this order and reserved to the supposed owner, his heirs and assigns;

Thence N. 02° 47’ 15” E., 1548.43 feet, by the easterly line of the excluded Parcel “A”, to a point at its northeasterly corner, which point is located S. 00° 47’ 23” W., 55.60 feet from the drill hole set referenced at the conclusion of the third course set forth above;

Thence S. 64° 51’ 09” W., 975.38 feet, by the northerly line of the excluded Parcel “A”, to a point;

Thence S. 69° 04’ 18” W., 144.84 feet, by the northerly line of the excluded Parcel “A”, to a point;

Thence S. 63° 42’ 56” W., 600.00 feet, by the northerly line of the excluded Parcel “A”, to a point in the stone wall marking the easterly line of Root Road;

Thence N. 21° 50’ 55” E., 74.92 feet, by the stone wall and the easterly line of Root Road to the first mentioned point at the northwesterly corner of the parcel herein being described, at land, in Templeton, now or formerly, of John S. Jasinski, being the point and place of beginning.

Containing 67.163 acres, more or less, as shown as Parcel "B" upon a survey plan entitled "Plan Of Lots Surveyed For Lawrence Seligman (Owner) Hubbardston, MA, dated September 18, 2001, prepared by Szoc Surveyors, 32 Pleasant Street Gardner, MA, which plan shall be recorded with the Worcester District Registry of Deeds at a later date, and be made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Root Road, which may be held by the supposed owners as a result of their ownership of the above described premises, and being the easterly and larger part of the remaining portion of the same premises described in a deed from Chester E. Pultorak, Robert F. Sadowski, and Thomas J. Kymalainen to Lawrence Seligman, dated 31st May 1969 and recorded with Worcester District Registry of Deeds at Book 4959, Page 126.

The above-described property is represented upon Hubbardston Assessors Tax Map 2 as the northerly margin and easterly portion of Parcel 1.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Lawrence Seligman	$ 100,744.50

The Commission further V O T E D: to approve an award of damages in the amount of $100,744.50 together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

1. Report of Mr. Gray, May 31, recommending that the Commission approve and issue a License to The Boston Red Sox Baseball Club Limited Partnership c/o Paul Revere Transportation LLC, to operate a free shuttle service along portions of certain MDC roadways on those days professional baseball games are played, from June 6, 2002, through October 31, 2002, or to the end of the remaining professional baseball season, which may include Play-Off and World Series games, whichever date may last occur, and to authorize Commissioner Balfour to

execute said License and any and all other documents which may be required on behalf of the Commission.

The Commission V O T E D: to approve and issue a License to The Boston Red Sox Baseball Club Limited Partnership c/o Paul Revere Transportation LLC, to operate a free shuttle service along portions of certain MDC roadways on those days professional baseball games are played, from June 6, 2002, through October 31, 2002, or to the end of the remaining professional baseball season, which may include Play-Off and World Series games, whichever date may last occur.

The Commission further V O T E D: to authorize Commissioner Balfour to execute said License and any and all other documents which may be required on behalf of the Commission.

1. Report of Mr. Gray, June 4, requesting authorization for the expenditure of an additional $ 155,000 within this Fiscal Year for costs related to the preparation of watershed lands for acquisition and all purposes consistent with Sections 6 and 12 of Chapter 36 of the Acts of 1992 (Cohen Bill), as amended.

(On February 21, 2002 - Commission approved the expenditure of $ 300,000 in Open Order Contract No. GC02-0002, for Appraisal, Title, Engineering and Related Services for Watershed Land Acquisition FY/02 - Worcester and Franklin Counties.)

(On April 25, 2002 - Commission approved the expenditure of an additional $ 75,000 in Open Order Contract No. GC02-0002, for Appraisal, Title, Engineering and Related Services for Watershed Land Acquisition FY/02 - Worcester and Franklin Counties.)

(Funding from Account No. 2421-9936.)

The Commission V O T E D: authorization for the expenditure of an additional $ 155,000 within this Fiscal Year for costs related to the preparation of watershed lands for acquisition and all purposes consistent with Sections 6 and 12 of Chapter 36 of the Acts of 1992 (Cohen Bill), as amended.

Adjourned at 9:40 a.m., to meet on Thursday, June 13, 2002 at 9:00 a.m.

William

Secretary

Record of the Four Thousand Thirty Second (4032nd) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, June 13, 2002,

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on May 23, 2002, were read and approved.

1. At this point, Secretary Chisholm announced that Joe Hamel, District Supervisor, Civil Engineer VI, of the Parks Engineering and Construction Division, retired on May 15, 2002, after more than thirty seven years of dedicated service with the Commission.

The Commission and Associate Commissioners then unanimously adopted the following Resolution:

RESOLUTION

"Resolved: that the Metropolitan District Commission, assembled at its Meeting held on June 13, 2002, does hereby express its deep and sincere appreciation to Donald J. Hamel, Sr., District Supervisor, Civil Engineer VI, of the Parks Engineering and Construction Division, for his more than thirty-seven years of professional, productive service with the Commission and for the example he has set as a conscientious and dedicated public servant; that he will be missed by his many friends and co-workers; that the Commissioner and Associate Commissioners, constituting said Metropolitan District Commission, do hereby extend to Joe their cordial best wishes that the years of his retirement may be many, and that they may be fruitful in the happiness and contentment he so richly deserves; that this Resolution be spread upon the records of this Meeting; and that the Secretary prepare and forward a suitably inscribed copy thereof to Mr. Hamel."

The Secretary submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

2. Contract No.P02-2163-C1A, dated June 13, 2002, with Patrick J. Kennedy & Sons, Inc., for Replacement of 5 Ton Natural Gas Absorption Chillers at Ponkapoag Golf Course, Canton.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

3. Contracts, dated June 13, 2002, with OSI Collection Services, Inc., and Allen Daniel Associates, Inc., to assist the MDC in its collection of delinquent accounts.

4. Contract No. WM94-003-C1A, dated June 13, 2002, with Tasco Construction, Inc., for Remedial Repairs/Improvements for Public Safety Considerations, Beaman Street Bridge, West Boylston

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and McCalla, May 30, on bid for Maintenance of Electrical and Electronic Systems at MDC Sports Facilities, Recreational Areas, Properties and Buildings Throughout the Metropolitan District, Contract No.P02-2164-M1A.
(Messrs. Faucher and McCalla recommend acceptance of the only bid received, that of Coviello Electric & General Contracting Co., Inc., of $394,800.00).
The Commission V O T E D: to accept the only bid received, that of Coviello Electric & General Contracting Co., Inc., of $394,800.00

2. Report of Messrs. Faucher and McCalla, June 3, on bid for Maintenance of Prime Power and Emergency Generators at Various MDC Locations, Contract No.P02-2165-M1A.
(Messrs. Faucher and McCalla recommend acceptance of the only bid received, that of F. M. Emergency Generator, Inc., of $54,008.00).
The Commission V O T E D: to accept the only bid received, that of F. M. Emergency Generator, Inc., of $54,008.00

3. Report of Messrs. Faucher and Griffin, May 30, on bids for Agency Master Service Agreement for Emergency Bridge Repairs Throughout the Metropolitan District, P02-2158-C1A.
(Messrs. Faucher and Griffin recommend acceptance of the three lowest bids received, that of N.E.L. Corporation of $707,570.00, SPS New England, Inc., of $712,775.00 and Northern Tree Service, Inc./Northern Construction Service, Inc., of $829,535.00).
The Commission V O T E D: to accept the three lowest bids received, that of N.E.L. Corporation of $707,570.00, SPS New England, Inc., of $712,775.00 and Northern Tree Service, Inc./Northern Construction Service, Inc., of $829,535.00, as recommended by Messrs. Faucher and Griffin in their report of May 30, 2002

4. Report of Messrs. Faucher, Carrigan and MacLean, May 30, recommending approval of Extra Work Order No. 5 – for the installation of a reinforced concrete culvert with grates at the Trailside Museum in Milton – at a cost of $34,234.52, on Contract No. P00-2087-C1A, with D'Allesandro Corporation for Installation of Closure Gates, Guardrail and Fences at Various Locations Throughout the MDC Park System.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 035-010 – Furnish and Install New SS Guard Rail and Posts).
The Commission V O T E D: to approve Extra Work Order No. 5, in the amount of $34,234.52.

5. Report of Messrs. Faucher, Misslin and Balicki, June 6, requesting ratification and approval of the action of the Commissioner and Deputy Commissioner for Technical Services resulting in Emergency Contract No. P02-2160-C1A, for Emergency Repairs to Low Pressure Water Line at the Charles River Dam and award the Contract to the low bidder, D'Allesandro Corp., with a bid of $11,699.00. In addition, Messrs. Faucher, Misslin and Balicki further request approval of a revision in quantities – at a cost of $1,017.00 – at no increase in Contract cost and Extra Work Order No. 1 – at an increase of $1,652.09 – at a revised Contract cost of $13,351.09. Messrs. Faucher, Misslin and Balicki further request execution of Contract No. P02-2160-C1A.
The Commission V O T E D: to ratify and approve the action of the Commissioner and Deputy Commissioner for Technical Services which resulted in Emergency Contract No. P02-2160-C1A, for Emergency Repairs to Low Pressure Water Line at the Charles River Dam.

The Commission further V O T E D: to award the Contract to the low bidder, D'Allesandro Corp., with a bid of $11,699.00.
The Commission further V O T E D: to approve Revisions in Quantities, in the amount of $1,017.00.
The Commission further V O T E D: to approve Extra Work Order No. 1, in the amount of $1,860.09.
The Secretary then submitted for signature Contract No.P02-2160-C1A, dated June 13, 2002, with D'Allesandro Corp., which was signed by the Commissioner and four Associate Commissioners

1. Report of Messrs. Faucher, Carrigan and MacLean, June 6, recommending approval of Extra Work Order No. 8, for replacing deteriorated risers for five stairways at a cost of $21,899.04, on Contract No.P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item Nos. 010-010 – Granite Edgestone (Remove & Reset) and 020-010 – Pedestrian Ramp).
The Commission V O T E D: to approve Extra Work Order No. 8, in the amount of $21,899.04.

2. Report of Messrs. Faucher, Carrigan and MacLean, June 6, recommending approval of the request of the contractor to engage the services of N.E.L. Corporation as sub-contractor for work on five staircases at Charles Circle, Boston – at a cost of $21,261.20, on Contract No.P00-2086-C1A, with D & R General Contracting Company, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District.
The Commission V O T E D: Approved

3. Report of Messrs. Faucher, DiPietro and Galvin, June 10, recommending approval of revisions in quantities on Contract No.P00-2022-C1A, with J. D'Amico, Inc., for Construction of Wastewater Discharge Systems Modifications at General Edwards Bridge, Brookwood Farm and Breakheart Reservation Headquarters as follows -

Item No. 580.01 Curb Remove and Reset	$540.00
Item No. 765.01 Regrading, Loaming and Seeding for Breakheart Reservation	$5,661.00
Item No. 765.02 Regrading, Loaming and Seeding for Brookwood Farm	$5,580.00
Total -	$11,781.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 1000 – Informational Materials, 1010 – Archaeological Services and 1020 – Hazardous Material Consulting).
The Commission V O T E D: Approved.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

1. Report of Messrs. Faucher, Misslin and Balicki, June 6 recommending approval of Project Summary, Work Schedule, Project Justification and requesting authorization to advertise Project No.P02-2172-M1A, for Maintenance and Repair of Refrigeration Systems, All MDC Ice Rinks.
Estimated Cost - $557,610.00.
Time for Performance – twenty four months.
Funding from Account No. 2440-0010 – contingent upon sufficient funds being made available through the annual budgetary appropriation process, for FY 2003.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P02-2172-M1A, for Maintenance and Repair of Refrigeration Systems, All MDC Ice Rinks.

2. Report of Mr. Faucher and Mrs. Graves Jones, June 6 recommending approval of Project Summary, Work Schedule, Project Justification and requesting authorization to advertise Project No.P02-2170-M1A, for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC.
Estimated Cost - $200,000.00.
Time for Performance – Three months and contingent upon sufficient funds being made available through the annual budgetary appropriation process for FY2003.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P02-2170-M1A, for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC.

3. Report of Messrs. Faucher, Carrigan and MacLean, June 6, recommending approval of a revision in quantities on Item No. 085-010 – Wide Angle Barrier Delineator for SS Guard Rail – at a cost of $640.78, on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 035-010 – Furnish and Install New SS Guard Rail and Posts (Straight).
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and Abounaja, June 5, recommending the following on Contract No.P02-2147-C1A, with R. Zoppo Corporation, for Fence and Decontamination Pad Construction at the Former Canton Airport –
(a) That work be accepted as completed as of April 26, 2002.
(b) That Estimate No. 1 (Final), in the amount of $111,069.25, be approved for payment.
(c) That reserve, in the amount of $5,845.75, be approved for payment.
(Basis of Award - $119,590.00)
(Amount to Date - $116,915.00)
(Contract Performance Rating – 4.00)
(EEO Compliance – 3.66)
The Commission V O T E D: that the work of R. Zoppo Corporation, Contractor under Contract No. P02-2147-C1A, be and hereby is accepted as completed as of April 26, 2002.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $111,069.25, for payment.

The Commission further V O T E D: to approve release of reserve, in the amount of $5,845.75, for payment.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

1. Report of Messrs. Faucher and Sodano, June 5, recommending the following on Contract No.P01-2130-C1A, with All Star Construction, for Muffler (s) Replacement at Amelia Earhart Dam –
(a) That work be accepted as completed as of April 4, 2002.
(b) That Estimate No. 1 (Final), in the amount of $20,662.50, be approved for payment.
(c) That reserve, in the amount of $1,087.50, be approved for payment.
(Basis of Award - $21,750.00)
(Amount to Date - $21,750.00)
(Contract Performance Rating – 85 with 100 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of All Star Construction, Contractor under Contract No.P01-2130-C1A, be and hereby is accepted as completed as of April 4, 2002.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of 20,662.50, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of 1,087.50, for payment

2. Report of Messrs. Faucher and Orfant, June 11, requesting approval of Amendment No. 5 – to provide consultant services to prepare plans for a cleanup of the so-called "Zoppo Parcel" and to develop restoration plans for its reuse as part of the Belle Isle Marsh Reservation as provided for by Chapter 55 of the Acts of 1999 – at a cost of $49.792.00, on Contract No.P97-1987-D1A, with Parsons, Brinkerhoff, Quade & Douglas Inc., for Winthrop Shores Reservation Restoration.
Funding from Account No. 2495-8998.
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Thurlow, June 11, requesting approval of an extension of time from June 30, 2002 to August 31, 2002, on Contract No. P02-2143-C1A, with C.R.C. Corporation, Inc., for Installation of Benches Along the Charles River.
The Commission V O T E D: to approve an extension of time from June 30, 2002 to August 31, 2002, as requested by Messrs. Faucher and Thurlow in their report of June 30, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher, Misslin and Sodano, June 11, requesting approval of a revision in quantities on Item No. 2 – Window Replacement – at a cost of $3,000.00, on Contract No.P02-2148-C1A, with GVW, Inc., for Window Replacement at Charles River Dam Facility.
Funding from Account No. 2440-7993.
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Office of Planning:

1. Report of Mrs. O'Brien and Mr. Driscoll, June 6, requesting approval and authorization to advertise Project No.PL02-081-D1A, for B & M Railroad Bikeway Design (between School Street and Grove Street, Watertown).
Funding - $62,500.00 in Account No. 2440-9016.
$37,500.00 in Account No. 2490-8881.
Time for Performance 12 to 18 months.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.PL02-081-D1A, for B & M Railroad Bikeway Design (between School Street and Grove Street, Watertown).

2. Report of Mrs. O'Brien and Mr. Driscoll, June 7, requesting approval and authorization to advertise Project No.PL01-071-D1A, for Mystic River Reservation, Master Plan.
Estimated Cost - $250000.00.
Estimated Time for Completion – 12 to 18 months.
Funding from Account No. 2440-010.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.PL01-071-D1A, for Mystic River Reservation, Master Plan.

Action was taken upon the following matters relating to the Office of General Counsel:

3. Report of Ms. McLaughlin, June 10, recommending that the Commission adopt an Order of Taking for acquisition of a Conservation Restriction on approximately 38.1276 acres of land owned by Judith F. White and John S. White, located in the Town of Boylston, Massachusetts, and to approve an award of damages in the amount of $ 320,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12,.39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of a Conservation Restriction on approximately 38.1276 acres of land owned by Judith F. White and John S. White, located in the Town of Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 13, 2002

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation

easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land in the easterly part of the said Town of Boylston, lying on the northerly side of Green Street, more particularly bounded and described as follows:

Beginning at a drill hole set at a point in the end of a stone wall at an angle in the northerly line of Green Street, said point being in the line of delineation between property intended to be restricted and property to be excluded from the restriction herein and hereby taken;

Thence	N. 02° 48' 35" W., 144.31 feet, to another drill hole set in the end of a stone wall segment;
Thence	N. 05° 15' 23" E., 49.49 feet, by the wall, to another drill hole set at a point therein;
Thence	N. 22° 24' 04" E., 116.27 feet, by the wall, to another drill hole set at a point therein;
Thence	N. 28° 08' 12" E., 80.55 feet, by the wall, to another drill hole set at a point therein;
Thence	N. 45° 33' 41" E., 58.38 feet, by the wall, to another drill hole set at a point therein;
Thence	N. 36° 57' 43" E., 37.17 feet, by the wall, to another drill hole set at a point therein;
Thence	N. 17° 01' 00" E., 11.65 feet, by the wall to another drill hole set at a point therein;
Thence	N. 12° 19' 50" E., 271.84 feet, to a drill hole set in a boulder;
Thence	S. 78° 01' 34" W., 232.61 feet, to a drill hole set in the end of a stone wall segment;
Thence	S. 68° 53' 31" W., 48.66 feet, by the wall to another drill hole set at a point therein;
Thence	S. 51° 53' 54" W., 79.13 feet, by the wall, to another drill hole set at a point therein;
Thence	S. 18° 58' 45" W., 32.29 feet, by the wall, to another drill hole set at a point therein;

Thence S. 29° 59' 15" W., 116.10 feet, by the wall, to another drill hole set at a point therein;

Thence S. 54° 14' 39" W., 71.27 feet, by the wall, to another drill hole set at its southwesterly end;

Thence S. 13° 45' 37" W., 282.75 feet, to an iron pin set at a fence corner;

Thence S. 42° 05' 54" E., 153.40 feet, to a point;

Thence S. 46° 46' 15" E., 171.49 feet, to a point in the northerly line of Green Street, the last seventeen courses being an interior delineation of lands to be restricted herein and hereby, from those to be excluded from the provisions of this instrument and reserved unrestricted to the owners;

Thence S. 52° 17' 58" W., 128.42 feet, by the northerly line of Green Street, to an iron pin set at a point in said line at the southwesterly end of a stone wall segment;

Thence S. 34° 27' 03" W., 95.55 feet, by the northerly line of Green Street, to a point at a corner of land, now or formerly, of Warren B. Jr., Charles M. & Richard C. Zepp (see the deed recorded with Worcester District Registry of Deeds at Book 8459, Page 375);

Thence N. 38° 32' 12" W., 150.00 feet, by land, now or formerly, of W.B. Jr., C.M. & R.C. Zepp, to an iron pin set at a corner;

Thence S. 48° 55' 20" W., 300.00 feet, by land, now or formerly, of Zepp, to a point in a stone wall, at land, formerly, of Leo & Charlotte Kaitz, now or formerly, of Mount Pleasant Country Club, Inc (see the 3rd parcel in the deed from L. & C. Kaitz to Mt. Pleasant C.C. recorded with said Deeds at Book 3570, Page 375 and also a more recent mortgage deed recorded at Book 12532, Page 198);

Thence N. 72° 09' 55" W., 184.43 feet, by the wall to a point at its end;

Thence N. 71° 11' 10" W., 104.51 feet, crossing a gap in the wall, to a point at the southerly end of another wall segment;

Thence N. 04° 23' 30" E., 101.30 feet, by the wall, to a point therein;

Thence N. 06° 44' 50" E., 53.97 feet, by the wall, to a point therein;

Thence N. 03° 44' 41" E., 128.79 feet, by the wall, to a point at an angle therein;

Thence N. 50° 07' 39" W., 125.22 feet, by the wall, to a point therein;

Thence N. 48° 24' 36" W., 45.91 feet, by the wall, to a point therein;

Thence N. 50° 54' 32" W., 34.91 feet, by the wall, to a point at an angle therein;

Thence N. 85° 02' 18" W., 30.04 feet, by the wall, to a point therein;

Thence N. 80° 47' 51" W., 271.80 feet, by the wall, to a point in a corner of walls;

Thence N. 09° 14' 51" E., 229.66 feet, by the wall, to a point therein;

Thence N. 10° 45' 04" E., 91.55 feet, by the wall, to a point therein;

Thence N. 10° 13' 31" E., 158.41 feet, by the wall, to a point at the northerly end of the wall segment;

Thence N. 11° 29' 11" E., 75.88 feet, crossing the gap, to a point in another wall segment, at land, claimed by Calvin B. Hastings, known as the "Lorenzo Sanderson Woodlot", or the "Robert Hudson Woodlot No.10" (see the deed from Augustus Flagg et als, heirs of Robert Hudson, to Lorenzo Sanderson, dated November 17, 1859 and recorded with said Deeds at Book 617, Page 530, and see also a deed from Hannah A. Sanderson to Calvin R. Hastings dated July 20, 1935, presumed to be recorded with said Deeds. Note that the Lorenzo Sanderson Woodlot does not appear on the current Boylston Assessors Tax Maps.), the last fourteen courses being by land; formerly of Leo & Charlotte Kaitz, now or formerly, of Mount Pleasant Country Club, Inc.;

Thence N. 88° 47' 29" E., 114.03 feet, running by and through the wall segment, to an x-cut set in the westerly end of another wall segment;

Thence N. 89° 02' 02" E., 445.64 feet, running by and through the wall segment, to a pile of stones found at the southwesterly corner of land, formerly of Philip J., Owen & John H. Philbin, doing business as Philbin Brothers (see the deed recorded with said Deeds at Book 2492, Page 205, and see also the deed from the Trustees of the Philbin Trust to Ann B. Philbin et als, dated 12/21/78 and recorded with said Deeds at Book 6652, Page 183) the last two courses being by land claimed by Calvin B. Hastings;

Thence N. 52° 30' 04" E., 326.70 feet, to a point in a field stone bound with stones found;

Thence N. 56° 43' 06" E., 333.30 feet, to a high point in a ledge out cropping;

Thence N. 54° 09' 04" E., 240.61 feet, to another field stone bound with stones at the end of a stone wall segment;

Thence	N. 41° 15' 27" E., 473.53 feet, to a pile of stones found at the northernmost point of the parcel herein being described, at a common corner of land, now or formerly, of Ann B. Philbin et als, and land supposed to be of the Town of Boylston Public Library, and land, now or formerly, of the Town of Boylston (see the deed from the Estate of George A. Flagg to the Town of Boylston, dated 9/30/1938, and recorded with said Deeds at Book 2730, Page 461) the last four courses being by land, now or formerly, of Ann B. Philbin et als;
Thence	S. 07° 48' 35" E., 1321.70 feet, by land, now or formerly, of the Town of Boylston, to a bound and pile of stones found, at other land, supposed to be, now or formerly, of the Town of Boylston Public Library;
Thence	S. 89° 47' 29" W., 163.67 feet, to a field stone bound with stones found at a corner;
Thence	S. 00° 18' 47" E., 82.13 feet, to a point;
Thence	S. 00° 41' 16" W., 30.00 feet, to a point at land, now or formerly, of Earl R. Farmer, Jr. (see the deed from Earl R. & Mildred T. Farmer to Earl R. Farmer, Jr. dated, 9/30/1979 and recorded with said Deeds at book 6906, Page 38, and see also the accompanying survey plan, prepared by Reney Brothers, Inc., dated 8/28/1979, and recorded with Worcester District Registry of Deeds as Plan 67 in Plan Book 471);
Thence	S. 88° 32' 11" W., 294.87 feet, to a point at a corner;
Thence	S. 11° 03' 48" E., 323.00 feet, to a point in the northerly line of Green Street, the last two courses being by land, now or formerly, of Earl R. Farmer, Jr.;
Thence	N. 71° 42' 17" W., 103.03 feet, by the northerly line of Green Street, to a point in the southeasterly end of a stone wall segment;
Thence	N. 70° 45' 07" W., 114.90 feet, by the northerly line of Green Street, by and through the wall segment, to the first mentioned drill hole in the wall at the angle in the line of the street, being the point and place of beginning.

Containing 38.1276 acres, more or less, shown as Lot 1 on a plan entitled "Plan of Land in Boylston, Mass, Prepared for Judith Farmer White and John S. White" by David E. Ross Associates, Inc. dated September 2000 and recorded in the Worcester District Registry of Deeds, Plan Book 760 Plan 38 containing 43.17 acres but excepting therefrom 5.0424 acres shown as "Non Restricted Area" on Plan entitled "Land Taking Plan For Watershed/Protection" by Hub Survey Associates Dated June 29, 1996 to be recorded in the Worcester District Registry of Deed at a later date, and is on file with the MDC Office of the General Counsel.

The aforementioned parcel is supposed to be owned by the following owners:

OWNERS	RESTRICTION AREA TAKEN
Judith F. White John S. White	38.1276 acres ±

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being a portion of the premises described in a deed from Judith Farmer White to Judith Farmer White and John S. White, dated 4th November 1992 and recorded with Worcester District Registry of Deeds at Book 14723, Page 140.

The above-described land, herein restricted, is represented upon the Boylston Revised Assessors Plans Dated May 1997 as most of Parcel 2 on Plan 44.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcel of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads, ways, paths or portions thereof, shall be permitted on said premises.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted, (except as necessary for that portion of the premises designated as the unrestricted area).

3. No septic systems or leach fields shall be permitted.

4. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

5. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers, shall be permitted.

6. No grazing or sheltering of livestock or animals shall be permitted.

7. No tillage.

8. No commercial or public recreational use shall be permitted, and no motorized or vehicular recreational use by the landowners shall be permitted.

9. No commercial timber harvesting shall be permitted, unless such harvesting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management.

10. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

11. The use of the above described premises, or any portion thereof, herein and hereby restricted, shall mot be used to satisfy zoning requirements for development of any adjoining unrestricted land.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same, but does not grant the public any such rights. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owners, including the right to privacy.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Judith F. White	$320,000
John S. White	

The Commission further V O T E D: to approve an award of damages in the amount of $320,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.

1. Report of Mr. Collette, June 10, recommending that the Commission adopt an Order of Taking for acquisition of approximately 47.29 acres of land owned by Fred W. Holt and Kathleen Holt, as Trustees of the Holt Realty Trust, et al, located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of
$ 360,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 47.29 acres of land owned by Fred W. Holt and Kathleen Holt, as Trustees of the Holt Realty Trust, et al, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 13, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the southwesterly side of the road leading from Holden to Princeton, now known as Wachusett Street-Route 31, more particularly bounded and described as follows:

Beginning at the northernmost point of the parcel herein being described, said point being in the southwesterly line of Wachusett Street-Route 31, and in the southeasterly corner of the abutting land, now or formerly, of Bradford H. & Kathleen A. Sherblom, shown as Lot No. 1 upon a survey plan recorded with Worcester District Registry of Deeds as Plan 37 in Plan Book 411 (see the deed dated 05/16/1975 recorded with said Deeds at Book 5715, Page 62);

Thence	S. 68° 50’ 59” W., 109.72 feet to a point;
Thence	S. 69° 35’ 42” W., 86.92 feet, to a point;
Thence	S. 71° 38’ 06” W., 67.03 feet, to a point at the southwesterly corner of land, now or formerly, of B.H. & K.A. Sherblom, said point being also at a corner of other abutting land, formerly of Celia R. Oliver, now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the order of taking dated 08/24/1995 recorded with said Deeds at Book 17335, Page 272, and see also “Parcel A’ on the above cited recorded plan), the last three courses being by land, now or formerly, of Sherblom;
Thence	S. 68° 51’ 28” W., 339.25 feet, to a point;

Thence S. 68° 59' 07" W., 344.32 feet, to an MDC concrete bound set at a corner of land, formerly of Clifford Wagner, late of Stephen P. Bavosi, Trustee of the Blithewood Realty Trust, and now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the order of taking dated 4/06/1989 and recorded with said Deeds at Book 12038, Page 179 and see also the accompanying plan drawn for the MDC by Greenman-Pedersen, Inc., dated June 29, 1991, on file in the Office of the General Counsel of the MDC, at Commission Headquarters), the last two courses being by land, formerly of C. R. Oliver, now of the Commonwealth of Massachusetts, MDC;

Thence S. 16° 09' 34" W., 706.28 feet, along a tree line and crossing the Quinapoxet River, to a point at the southeasterly end of a stone wall which intersects the line of the parcel herein being described;

Thence S. 19° 37' 59" W., 406.74 feet, to a point at the westernmost corner of the parcel herein being described, at the end of another intersecting stone wall segment;

Thence S. 76° 10' 50" E., 372.00 feet, to a pipe found at a common lot corner of three abutting lots, said pipe marking a northeasterly corner of the land formerly of S.P. Bavosi, Trustee of Blithewood Realty Trust, the northernmost point of land, now or formerly, of Raymond A. Salvas & Lisa M. Meyer (see the deed recorded with said Deeds at Book 13045, Page 176), and the northwesterly corner of land, now or formerly, of Ina S. Gardner (see the deed to Charles S. & Ina S. Gardner recorded with said Deeds at Book 3291, Page 218, and see also the subdivision plan for the Salvas-Meyer/Gardner lots recorded as Plan 3 in Plan Book 632);

Thence S. 54° 19' 02" E., 702._7 feet, by land, now or formerly, of Ina Gardner, re-crossing the Quinapoxet River and running to a concrete bound at the northeasterly corner of said abutting lot, and in line of land, now or formerly of Robert W. Bassett (see the deed recorded with said Deeds at Book 11569, Page 84, and, see also the plan of said abutting land recorded with said Deeds as Plan 92 in Plan Book 153);

Thence N. 50° 32' 04" E., 65½ rods, or 1080.75 feet, more or less, per prior deed description, [1229 feet ± per Holden Assessors Tax Map 40] by land, now or formerly, of R.W. Bassett, to a heap of rocks at the southeasterly corner of the parcel herein being described;

Thence N. 25° W., 29 rods and 8 links, or 483.78 feet, more or less, by land, now or formerly, of R.W. Bassett, to a point at a corner;

Thence N. 55 E., 3 rods and 5 links, or 52.8 feet, more or less, by land, now or formerly, of R.W. Bassett, to a point in the southwesterly line of Wachusett Street-Route 31;

Thence Northwesterly, 610 feet, more or less, by the southwesterly layout of Wachusett Street, to the first mentioned point at the land, now or formerly, of Sherblom, being the point and place of beginning.

Containing 47 acres & 111 square rods, more or less (47.694 acres±),.by previous deed description, or, 47.29 acres, more or less, per Holden Assessors Tax Map calculations.

Note that, due to apparent errors and omissions in the previous and current deed descriptions, the description set forth above is a compiled description based upon the following sources:

The first five courses were taken from a survey plan entitled "Plan of Property in Holden, MASS., Owned By James Oliver", dated October 1, 1974, prepared by Thompson Liston Associates, Inc, Douglas L. Liston, Surveyor, which plan is recorded with said Deeds as Plan 37 in Plan Book 411.

The sixth, seventh and eighth courses were taken from a survey plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, Holden (Worcester County) Mass., Land Taking Plan For Watershed Protection", dated June 29, 1991, prepared by Greenman-Pedersen, Inc., which plan is not yet of record, but is on file with the Office of the General counsel of the MDC at Commission Headquarters, located at 20 Somerset Street, Boston MA.

The ninth course and bearing for the tenth course are taken from a survey plan entitled "Plan of Land Holden, Massachusetts Prepared For Ina S. Gardner", dated December 15, 1989, prepared by Fox Land Surveying, Inc., Winston E. Fox, Registered Land Surveyor, which plan is recorded with said Deeds as Plan 3 in Plan Book 632.

The tenth course is taken from the previous deed description (see Deed Book 1767, Page 323).

The eleventh and twelfth courses are taken from a survey plan entitled "Plan Of Land of Arthur L & Mary B. Bassett Princeton Road in the Town of Holden Mass.", dated October 13, 1947, prepared by George L. Esper Civil Engineer, which plan is recorded with said Deeds as Plan 92 in Plan Book 153.

The thirteenth and concluding course is estimated, based upon prior deed description and calculations, shown upon Holden Assessors Tax Map 40. See the Massachusetts Department of Public Works 50 foot wide Record Layout for Wachusett Street-Route 31, as recorded with said Deeds, for a more complete description of this last course.

No effort was made to rectify the compass bearings from plan to plan in the above description.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Wachusett Street, which may be held by the supposed owners as a result of their ownership of the above described premises,

and being the same premises described in a deed from Sarah E. Thompson to J. Winthrop Holt, dated 5th November 1903 and recorded with Worcester District Registry of Deeds at Book 1767, Page 323.
See also Worcester Probate Case # 81167 Estate of J. Winthrop Holt, died 2 September 1923; Worcester Probate Case# 113964 Estate of Anna Estella Holt, died 16 January 1935; Worcester Probate Case # 258358 Estate of J. Stanley Holt, died 29 April 1973; and, Worcester Probate Case # 88P0678 Estate of Fred W. Holt, died 11 September 1987; and Estate of Franklin W. Holt Worcester Probate Case #00PR1766-AD1, died May 6, 2000.

The above-described property is represented upon Holden Assessors Tax Map 40 as Parcel 1.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS		AWARD
Fred W. Holt and Kathleen Holt, as Trustees of the Holt Realty Trust	50% undivided interest	$180,000.00
Sally Holt Tamblyn	25% undivided interest	$ 90,000.00
Calvin F. Holt	8 1/3% undivided interest	$ 30,000.00
Craig W. Holt	8 1/3% undivided interest	$ 30,000.00
Carolyn M. Holt	8 1/3% undivided interest	$ 30,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $ 360,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 10, recommending that the Commission approve and execute the Interdepartmental Service Agreement with the Department of Environmental Protection, in the

amount of $ 12,597.56, for environmental remediation costs associated with the transfer of the Elm Bank Reservation site to the Metropolitan District Commission in 1992.
Account No. 2440-8886.
The Commission V O T E D: Approved.
The Secretary then submitted for signature the Interdepartmental Service Agreement, dated June 13, 2002, with the Department of Environmental Protection, which was signed by the Commissioner and four Associate Commissioners.

Action was taken upon the following Various Matter:

1. Report of Mr. Jewett, June 11, on behalf of the Consultant Selection Committee requesting selection of Camp Dresser & McKee, Inc., for Contract No.PL01-074-D1A, for T and Schlager Design and Comprehensive Site Assessment, Dorchester.
Mr. Jewett further requests authorization to prepare a contract for execution.
Compensation – to be paid on a cost plus fixed fee basis, not to exceed $576,000.00 – subject to negotiations.
Time for Performance – eighteen months.
Funding from Account No. 2420-1420.
The Commission V O T E D: to approve the selection of Camp Dresser & McKee, Inc., for Contract No.PL01-074-D1A, for T and Schlager Design and Comprehensive Site Assessment, Dorchester.
The Commission further V O T E D: to authorize Mr. Jewett to prepare the Contract for Commission execution

Adjourned at 9:55 a.m., to meet on Thursday, June 20, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Thirty Third (4033rd) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, June 20 2002,

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on May 30, 2002, were read and approved.

Action was taken upon the following matters relating to the Office of General Counsel:

1. Report of Mr. Gray, June 14, recommending that the Commission adopt an Order of Taking for acquisition of a watershed preservation restriction on approximately 57.191 acres of land owned by Edwin B. Carlson and Kathleen A. Sweeney, located in the Town of Princeton, Massachusetts, and to approve an award of damages in the amount of $440,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of a watershed preservation restriction on approximately 57.191 acres of land owned by Edwin B. Carlson and Kathleen A. Sweeney, located in the Town of Princeton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Princeton in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain tract or parcel of land located on the westerly part of the said Town of Princeton, on westerly side of Mirick Road and the easterly side of Mountain Road, between the aforesaid roads, as shown upon a survey plan referenced at the conclusion of this description, more particularly bounded and described as follows:

Beginning at the southeasterly corner of the parcel herein being described, at a stone wall corner in the westerly line of Mirick Road, at land, now or formerly, of Richard V. Jr. & Cynthia M.

Granger (see the deed recorded with Worcester District Registry of Deeds at Book 7477, Page 200, and see also the survey recorded as Plan 54 in Plan Book 370);

Thence N. 65° 02' 41" W., 378.26 feet, by the aforesaid land, now or formerly, of Granger and the stone wall, to a drill-hole found in another wall corner;

Thence S. 02° 18' 13" W., 16.50 feet, by the land, now or formerly, of Granger, crossing an opening in the wall and running to a point in another stone wall corner;

Thence N. 87° 13' 50" W., 257.70 feet, by land, now or formerly, of Granger, and the stone wall, to a point in another stone wall corner, at land, formerly of David S. Milton, now of the Commonwealth of Massachusetts, MDC (see the deed order of taking dated February 5, 1998 recorded with said Deeds on March 6, 1998 at Book 19681, Page 82, and the survey recorded as Plan 60 in Plan Book 498);

Thence N. 03° 04' 17" W., 302.42 feet, by the stone wall, to a point in another stone wall corner;

Thence S. 87° 10' 52" W., 454.14 feet, by the stone wall to a point at an angular corner therein;

Thence S. 18° 57' 46" W., 162.88 feet, by the stone wall, to an angle at a point therein;

Thence S. 57° 24' 06" W., 151.53 feet, by the wall, to a point therein;

Thence S. 55° 16' 14" W., 76.11 feet, by the stone wall, to a point therein;

Thence S. 43° 50' 29" W., 143.73 feet, by the stone wall, to a point in another stone wall corner, at land, formerly of Edward F. & Leslie C. Butler, now of the Commonwealth of Massachusetts, MDC (see the order of taking dated March 5, 1998, recorded with said Deeds on March 6, 1998 at Book 19681, Page 76, and see also the accompanying survey recorded as Plan 85 in Plan Book 724), the last six courses being by land, formerly of Milton, and now of the Commonwealth of Massachusetts, MDC;

Thence N. 32° 39' 18" W., 429.54 feet, by the wall, to a point therein;

Thence N. 33° 08' 44" W., 283.86 feet, by the stone wall, to a point therein, at the northeasterly corner of land, now or formerly, of David W. & Denise S. Connors (see the deed recorded with said Deeds at Book 18519, Page 293, and the survey recorded as Plan 71 in Plan Book 615);

Thence N. 33° 07' 11" W., 1241.37 feet, by the stone wall, partially by the northeasterly line of land, now or formerly, of the aforesaid Connors, and partially by the northeasterly line of land, now or formerly, of Gerald A. & Jeanne L. Silven (see

the deeds recorded with said Deeds at Book 4866, Page 175 and Book 11732, Page 316, and see also the survey recorded as Plan 24 in Plan Book 406), to a point at the westerly end of the wall and in the southeasterly line of the Worcester County 1952 Record Layout of Mountain Road (see Worcester County Commissioners Decree 1643, the order of taking recorded with said Deeds at Book 3454, Page 309, and Plan H-3247-R, recorded with said Deeds as Plan 118 in Plan Book 184);

Thence N. 21° 09' 04" E., 637.37 feet, by the southeasterly line of the 1952 Record Layout of Mountain Road, to a point at the southwesterly corner of land, now or formerly, of Richard C. & Carole M. Clark (see the deed recorded with said Deeds at Book 8367, Page 278 and see also the surveys recorded as Plan 96 in Plan Book 524 and Plan 121 in Plan Book 460);

Thence S. 67° 16' 49" E., 537.48 feet, by land, now or formerly, of Clark, to a point at an angle in the line;

Thence S. 72° 11' 31" E., 559.77 feet, still by land, now or formerly, of Clark, to a point in the northerly end of a stone wall, at the southeasterly corner of land, now or formerly, of Clark, and at land, now or formerly, of William J. Zaija, Trustee of the William J. Zaija Trust (see the deed recorded with said Deeds at Book 15972, Page 48, and the survey recorded as Plan 114 in Plan Book 677);

Thence S. 15° 39' 49" W., 225.01 feet, by the wall and land, now or formerly, of Zaija, to a point at the southerly end thereof, at another angular corner;

Thence S. 52° 23' 44" E., 571.75 feet, by land, now or formerly, of Zaija, to a point at an angular corner;

Thence N. 82° 37' 58" E., 550.30 feet, by land, now or formerly, of Zaija, to a point at land, now or formerly, of Audrey B. Paulson (see the deed recorded with said Deeds at Book 15053, Page 16, and the survey recorded as Plan 113 in Plan Book 581);

Thence S. 33° 13' 51" E., 100.00 feet, by land, now or formerly, of Paulson, to a point at an angle in the line;

Thence S. 01° 46' 01" W., 200.00 feet, by land, now or formerly, of Paulson, to a drill-hole found in the westerly end of a stone wall segment;

Thence S. 82° 51' 35" E., 172.95 feet, by and through the wall segment and running to another point at another angle in the line;

Thence S. 46° 15' 08" E., 197.16 feet, by land, now or formerly, of Paulson, to an iron pin found in the stone wall marking the westerly line of Mirick Road;

Thence S. 16° 00' 11" W., 413.37 feet, by the road and the stone wall, a drill-hole found in a stone wall corner;

Thence S. 15° 41' 37" W., 228.13 feet, by the westerly line of the road and the stone wall, to a point at a gap or opening in the wall;

Thence S. 10° 57' 35" W., 57.21 feet, by the westerly line of the road, crossing the gap or opening in the wall and running to a point in the northerly end of the continuation of the wall;

Thence S. 13° 45' 05" W., 245.01 feet, by the westerly line of the road and the stone wall, to the first mentioned stone wall corner at land, now or formerly, of Granger, being the point and place of beginning.

Containing 62.711 acres, more or less, as shown as REMAINING LAND OF CARLSON upon a plan entitled "Plan of Land In Princeton, Mass. Prepared For Edwin Carlson", dated August 22, 1999, prepared by Andrysick Land Surveying, Inc., Douglas W. Andrysick, P.L.S., which plan shall be recorded with Worcester District Registry of Deeds, at a later date, and be made a part of this order.

The aforementioned parcel is supposed to be owned by the following owners:

OWNERS	RESTRICTION AREA TAKEN
Edwin B. Carlson & Kathleen A. Sweeney	62.711 acres, more or less

The above described property is represented upon Princeton Assessors Tax Maps as Parcels 38 and 38-1 on Map 4.

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being most of the same premises described in two deeds, the first from Robert L. Walton & Laura L. Walton to Edwin B. Carlson & Kathleen A. Sweeney, dated 22nd August 1994 and recorded with Worcester District Registry of Deeds at Book 16566, Page 31, and the second from Edwin B. Carlson & Kathleen A. Sweeney, husband & wife, to Edwin B. Carlson & Kathleen A. Sweeney, husband & wife as tenants by the entirety, dated 5th September 1997 and recorded with Worcester District Registry of Deeds at Book 19155, Page 303.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcels of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads, ways, paths or portions thereof, shall be permitted on said premises.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted.

3. The use of the above described premises, or any portion thereof, herein and hereby restricted, shall not be used to satisfy zoning requirements for the development of any adjoining unrestricted land.

4. No septic systems or leach fields shall be permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

6. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers shall be permitted.

7. No tillage shall be permitted.

8. No grazing or sheltering of livestock or animals shall be permitted.

No commercial or public recreational use shall be permitted, and no motorized or vehicular recreational use by the landowners shall be permitted.

No commercial timber harvesting shall be permitted, unless such harvesting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management.

11. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same, but does not grant the public any such rights. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owners, including the right to privacy.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Edwin B. Carlson & Kathleen A. Sweeney	$ 440,000

The Commission further V O T E D: to approve an award of damages in the amount of $440,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.

1. Report of Mr. Gray, June 14, recommending that the Commission adopt an Order of Taking for acquisition of approximately 73.091 acres of land owned by Muir's, Inc., located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $220,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 73.091 acres of land owned by Muir's, Inc., located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

Five certain parcels or tracts of land lying on semi-improved private ways called Laurel Street, Dogwood Road North and Dogwood Road South, lying off of the westerly side of Gardner Road-Route 68, between said highway and a town road known as Ragged Hill Road, shown as Parcel "AA", and Lots 9, 10, 11, 29, 57 and 60 upon a plan entitled "Plot Plan Prepared For Dogwood Road Realty Trust Hubbardston, MA", dated May 3, 2002, prepared by Szoc Surveyors, Brian M. Szoc R.P.L.S. No. 31727, a copy of which plan is on file with the Office of the General Counsel, at Commission Headquarters, located at 20 Somerset Street, Boston MA

02108, and which plan shall be recorded with Worcester District Registry of Deeds at a later date and be made apart of this order, more particularly bounded and described as follows:

Parcel "AA"

A certain tract of land, lying off of the westerly sides of Laurel Street and Dogwood Road North, lying between said roads and land of the Commonwealth of Massachusetts, MDC, more particularly bounded and described as follows:

Beginning at a concrete bound set in the northwesterly line of Dogwood Road North, at the southwesterly corner of its intersection with the southeasterly terminus of an un-built paper street labeled "Proposed Hemlock Drive", at a point of curvature, said point being at the northeasterly corner of Lot 29, other land of Muir's Inc., described below;

Thence Northwesterly, along the arc of a curve to the left, having a radius of 25.00 feet, an arc distance of 41.015 feet, to a point of tangency, at another bound set in the southerly line of the "Proposed Hemlock Drive";

Thence N. 66° 00' 00" W., 433.37 feet, by the northerly line of "Lot 29", to a point at its northwesterly corner;

Thence S. 08° 47' 13" W., 179.46 feet, by the westerly line of Lot 29, to a point at the northwesterly corner of Lot 28, land, now or formerly, of Derek P. & Shari A. Richardson (see the deed recorded with Worcester District Registry of Deeds at Book 23510, Page 326);

Thence S. 28° 00' 00" W., 515.27 feet, by the northwesterly lines of Lot 28, Lot 27, land, supposed to be, now or formerly, of Daniel F. Messina and partially by Lot 26, land, supposed to be, now or formerly, of Robert Wallner, Jr., to a point at an angle in the line;

Thence S. 08° 00'00" E., 524.21 feet, by the westerly lines of Lot 26, Lot 25, land, now or formerly, of William P. Geary (see the deed recorded with said Deeds at Book 18902, Page 386), Lot 24, land, supposed to be, now or formerly, of Timothy J. Williams, to a point at another angle in the line;

Thence S. 22° 00'00" E., 1028.15 feet, by the northwesterly lines of Lot 24, Lot 23, land, now or formerly, of Eric J. Dennison (see the deed recorded with said Deeds at Book 18638, Page 195), Lot 22, Land, now or formerly, of Steven J. Murphy (see the deed recorded with said Deeds at Book 18671, Page 258), Lot 21, Land, now or formerly, of Richard W. Loiselle (see the deed recorded with said Deeds at Book 18975, Page 21), Lot 20, Land, now or formerly, of Linda Moriarty (see the deed recorded with said Deeds at Book 18803, Page 278), Lot 19, land, now or formerly, of Sean R. Gregory (see the deed recorded with said Deeds at Book 22269, Page 369), and Lot 18, land, now or formerly, of William

B. Rigero, Jr.(see the deed recorded with said Deeds at Book 18873, Page 51) to a point in a stone wall at land, formerly of the Hobart Clark Estate, now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the 6th parcel described, the "Miller Lot", in the deed, dated June 8, 1935, from Robert E. Marshall, Administrator to the Metropolitan District Water Supply Commission, recorded with said Deeds on June 14, 1935 at Book 2643, Page 555);

Thence N. 41° 02' 16" W., 472.94 feet, by the stone wall and the "Miller Lot", to a stone bound found in an angular wall corner;

Thence N. 14° 12' 31" E., 417.03 feet, by the wall and the "Miller Lot", to a drill-hole set at a point in the wall;

Thence N. 06° 31' 11" W., 101.73 feet, by the wall and the "Miller Lot", to another drill-hole set at an angle in the line, at a gap in the wall;

Thence N. 55° 09' 39" W., 155.19 feet, crossing the gap in the wall and running by the continuation of the wall and the "Miller Lot", to another drill-hole set at a point in the wall;

Thence N. 54° 37' 40" W., 78.79 feet, by the wall and the "Miller Lot", to a point;

Thence N. 56° 25' 48" W., 136.82 feet, by the wall and the "Miller Lot", to another drill-hole set in an angular wall corner at the southeasterly corner of the "Grimes Lot, other land formerly of the Hobart Clark Estate and now of the Commonwealth of Massachusetts, MDC (see the 7th parcel described in the last cited deed above);

Thence N. 03° 39' 08" W., 265.96 feet, by the wall and the "Grimes Lot", to a drill-hole set in the wall on the southerly line of another gap in the wall, this one to accommodate a 16.5 foot wide American Telephone & Telegraph right-of-way (see the deed, dated December 4, 1963, recorded with said Deeds at Book 4445, Page 270);

Thence N. 03° 18' 24" W., 745.14 feet, re-entering and running by the wall and the "Grimes Lot", to another drill-hole set at a point in the wall;

Thence N. 02° 47' 07" W., 164.73 feet, by the wall and the "Grimes Lot", to another drill-hole set in another angular stone wall corner, at the southwesterly corner of land, now or formerly, of Elmer Dimmick (see the deed recorded with said Deeds at Book 2713, Page 442);

Thence N. 49° 32' 36" E., 1052.46 feet, by land, now or formerly, of Elmer Dimmick,

running by and through the wall, through an iron pin at the easterly end thereof and continuing through two other iron pins on line and continuing to another drill- hole set in the westerly end of another wall segment, on line;

Thence N. 49° 51’ 27” E., 696.21 feet, by land, now or formerly, of Dimmick, running by and through the stone wall segment, through another iron pin at its easterly end, and running to a point at the northernmost corner of Parcel “AA”, said point being also at the westernmost corner of Lot 317, land on another private road known as “Geordie Lane”, supposed to be now or formerly, of Marcello & Joanne Tavano;

Thence S. 38° 35’ 36” E., 602.06 feet, by the southwesterly lines of Lot 317, and Lot 318, land, now or formerly, of Christopher A. Zarza et al (see the deed recorded with said Deeds at Book 20363, Page 161) 260 feet, more or less, of this course running by a stone wall, to a drill-hole set in a stone wall corner, in the northwesterly line of Lot 31, land, now or formerly, of Pierre A. & Claudette M. Landry (see the deed recorded with said Deeds at Book 19336, Page 180 and the record plan for this lot recorded therewith, dated January 29, 1989);

Thence S. 11° 18’ 19” W., 569.24 feet, by the northwesterly lines of Lot 31, and Lot 30, land, supposed to be, now or formerly, of Michael Martin & Davita Franklin, to a point in the northerly line of the un-built paper street designated “Proposed Hemlock Drive”;

Thence S. 66° 00’00” E., 116.51 feet, by the northerly line of the proposed street and the southerly line of Lot 30 to a concrete bound set at a point of curvature:

Thence Northeasterly, along the arc of a curve to the left, having a radius of 25.000 feet, an arc distance of 37.525 feet, to a point of tangency, said point being marked by another concrete bound set in the northwesterly line of Dogwood Road North;

Thence S. 28° 00’ 00” W., 100.24 feet, by the northwesterly line of Dogwood Road North, to the first mentioned concrete bound at the northeasterly corner of Lot 29, being the point and place of beginning.

Containing 62.217 acres, more or less, including the “Proposed Hemlock Drive”, as shown as Parcel “AA” upon the plan cited above, at the beginning of this description.

Lots 9, 10, and 11

Three adjoining lots, shown upon the above cited plot plan, situated on the easterly side of the private way known as Laurel Street and the southerly side of the private way known as Dogwood Road South, being the southeasterly corner of the intersection of the two private streets, more particularly bounded and described as follows:

Beginning at a concrete bound in the easterly line of Laurel Street, at the northwesterly corner of Lot 12, land, now or formerly, of Albert Santora (see the deed recorded with said Deeds at Book 23119, Page 169), and the southwesterly corner of Lot 11;

Thence Northwesterly, by the easterly line of Laurel Street, along the arc of a curve to the left, having a radius of 250.000 feet, an arc distance of 91.152 feet, to a point of tangency, said point being at another concrete bound set at the point if intersection of the easterly line of laurel Street and the southerly line of Dogwood Road South;

Thence Northeasterly, by the southerly line of Dogwood Road South, along the arc of a curve to the right, having a radius of 50.000 feet, an arc distance of 80.190 feet, to a point of tangency, said point being in another concrete bound set in the southerly line of said street;

Thence S. 87° 00' 00" E., 443.12 feet, by the southerly line of Dogwood Road South, to a point of curvature in the frontage of Lot 10;

Thence Northeasterly, by the southerly line of Dogwood Road South, along the arc of a curve to the left, having a radius of 300.000 feet, an arc distance of 37.926 feet, to a point of tangency, said point being at the northeasterly corner of Lot 10 and the northwesterly corner of Lot 9;

Thence Northeasterly, by the southerly line of Dogwood Road South, along the arc of a curve to the left, having a radius of 300.000 feet, an arc distance of 108.682 feet, to a point of tangency, said point being in another concrete bound set in the frontage of Lot 9, at the terminus of the constructed portion of Dogwood Road South;

Thence N. 65° 00' 00" E., 91.32 feet, by the southerly line of the un-constructed portion of Dogwood Road South, to a point at the northwesterly corner of Lot 8, land, supposed to be, now or formerly, of Drouin & Kosakowski;

Thence S. 35° 10' 24" E., 514.58 feet, by the southwesterly line of Lot 8, to a point at its southwesterly corner, at land, formerly of C.S. & M.D. Clark, supposed to be, now or formerly, of Dwayne W. Clark;

Thence S. 51° 55' 01" W., 250.55 feet, by the northwesterly line of land, now or formerly, of Clark, to a drill hole set at the northeasterly corner of the aforesaid Lot 12, at, or near the northerly line of the A.T.& T. easement referenced above;

Thence N. 64° 47'43" W., 925.89 feet, by the northeasterly line of Lot 12, to the first mentioned concrete bound in the easterly line of Laurel Street, being the point and place of beginning.

Containing a total area of 7.186 acres, as shown as Lots 9, 10, & 11 upon the survey plan referenced above, at the beginning of this description.

Lot 29

A certain lot on the southwesterly corner of the intersection of the northwesterly line of Dogwood Road North with the southerly line of the "Proposed Hemlock Drive" more particularly bounded and described as follows:

Beginning at a concrete bound set in the northwesterly line of Dogwood Road North, at the southwesterly corner of its intersection with the southeasterly terminus of an un-built paper street labeled "Proposed Hemlock Drive", at a point of curvature, said point being at the northeasterly corner of Lot 29;

Thence	Northwesterly, along the arc of a curve to the left, having a radius of 25.00 feet, an arc distance of 41.015 feet, to a point of tangency, at another bound set in the southerly line of the "Proposed Hemlock Drive";
Thence	N. 66° 00' 00" W., 433.37 feet, by the southerly line of the "Proposed Hemlock Drive", to a point at the northwesterly corner of Lot 29;
Thence	S. 08° 47' 13" W., 179.46 feet, by the easterly line of Parcel "AA", to a point at the northwesterly corner of Lot 28, land, now or formerly, of Derek P. & Shari A. Richardson (see the deed recorded with Worcester District Registry of Deeds at Book 23510, Page 326);
Thence	S. 62° 00' 00" E., 400.00 feet, by the northerly line of Lot 28, to a point in the northwesterly line of Dogwood Road North;
Thence	N. 28° 00' 00" E., 174.76 feet, by the line of the road, to the first mentioned concrete bound being the point and place of beginning.

Containing 1.84 acres, as shown as Lot 29 upon the plan referenced above, at the beginning of this description.

Lot 57

A certain triangular lot lying on the southeasterly side of Dogwood Road North, and opposite Lot 29 described above, more particularly bounded and described as follows:

Beginning at the northwesterly corner of the lot, at a point in the southeasterly line of Dogwood Road North, and at the southwesterly corner of Lot 56, land, now or formerly, of Roger & Denise Kemmitt (see the deed recorded with said Deeds at Book 19681, Page 247);

Thence S. 59° 32’ 05” E., 393.99 feet, by the southerly line of Lot 56, to a point at the northernmost corner of Lot 58, land, now or formerly, of Christopher J. & Kellee J. Franklin (see the deed recorded with said Deeds at Book 18582, Page 164);

Thence S. 73° 02’ 31” W., 556.27 feet, by the northwesterly line of Lot 58, to a point in the southeasterly side of Dogwood Road North;

Thence N. 28° 00’ 00” E., 410.00 feet, by the southeasterly line of the road, to the first mentioned point at the southwesterly corner of Lot 56, being the point and place of beginning.

Containing 1.852 acres, as shown as Lot 57 upon the survey plan referenced, at the beginning of this description.

Lot 60

A certain lot situated on the northwesterly side of Dogwood Road South, more particularly bounded and described as follows:

Beginning at a point in the northwesterly side of Dogwood Road South, at the southwesterly corner of the lot being described herein, and the southeasterly corner of Lot 59, land, now or formerly, of David C. & Marisa D. Coviello (see the deed recorded with said Deeds at Book 20363, Page 161);

Thence S. 87° 00’ 00” E., 200.00 feet, by the northwesterly line of the road, to a point at the southwesterly corner of Lot 61, land, now or formerly, of Norman H. Worrick (see the deed recorded with said Deeds at Book 21184, Page 264);

Thence N. 09° 09’ 35” E., 649.20 feet, by the westerly line of Lot 61, to a point in the southeasterly and rear line of Lot 56, land, now or formerly, of Roger & Denise Kemmitt (see the deed recorded with said Deeds at Book 19681, Page 247);

Thence S. 73 02’ 31” W., 60.06 feet, by Lot 56, to a point at the northeasterly corner of Lot 58, land, now or formerly, of Christopher J. & Kellee J. Franklin (see the deed recorded with said Deeds at Book 18582, Page 164);

Thence S. 21 50’ 14” W., 660.32 feet, partially by Lot 58 and partially by Lot 59, to the first mentioned point in the northwesterly side of Dogwood Road South, being the point and place of beginning.

Containing 1.836 acres, as shown as Lot 60 upon the survey plan referenced, at the beginning of this description.

The total calculated area of the parcel and lots, taken herein and hereby in fee, is calculated to be 74.931 acres, more or less.

ALSO taken herein and hereby is an access and egress easement across the above named private streets and roads to and from Gardner Road-Route 68 and, to and from the parcel and the various above-described lots. This easement is taken for all purposes for which public and private ways are normally and customarily used.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the remaining portions of the same premises described in a deed from Maurice J.A. Belhumeur and Elmire R. Belhumeur to Muir's Inc., a Massachusetts corporation, dated 21st April 1986 and recorded with the Worcester District Registry of Deeds at Book 9390, Page 346.

The above-described property is represented upon Hubbardston Assessors Tax Map 13 as Parcels 31, 9, 82, 81, 63, 58 and 61.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Muir's Inc., a Massachusetts corporation	$220,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $220,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

1. Report of Mr. Collette, June 17, recommending that the Commission adopt an Order of Taking for acquisition of approximately 28.5 acres of land owned by Clayton F. Mosher, located in the Town of Princeton, Massachusetts, and to approve an award of damages in the amount of $200,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 28.5 acres of land owned by Clayton F. Mosher, located in the Town of Princeton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Princeton in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying off of the southwesterly side of the 1925 Worcester County Highway Layout of Main Street-Route 140, more particularly bounded and described as follows:

Beginning at a drill-hole made in a stone wall corner, at the northernmost corner of the parcel herein being described, said drill-hole being located S. 40° 47' 09" W., 212.34 feet from a point in said layout, near an iron pin found, off line, said wall corner being the northwesterly corner of land, now or formerly, of Steven J. & Kerri Pollard Schray (see the deed recorded with Worcester District Registry of Deeds at Book 21549, Page 88) and said drill-hole being in the southeasterly line of other remaining land, now or formerly, of the supposed owner listed below, excluded from the provisions of this order, and to be reserved to the owner, his heirs and assigns;

Thence	S. 33° 43' 20" E., 200.85 feet, by land, now or formerly, of Steven J. & Kerri Pollard Schray and the stone wall, to another drill-hole made at an angle therein;
Thence	N. 87° 48' 16" E., 83.71 feet, running by and through the wall, to an iron pin found at the southwesterly end of another wall segment;
Thence	N. 69° 26' 17" E., 71.29 feet, by and through the wall segment and running to a point, at an angular corner, in the bed of Keyes Brook;
Thence	S. 16° 13' 39" E., 138.97 feet, leaving the brook and running to a point at an angle in the line;

Thence S. 49° 27' 38" E., 184.14 feet, to a point in the brook bed, at another angle in the line, said point being at the northwesterly corner of land, now or formerly, of Robert J. & Alice E. Halloran (see the deed recorded with said Deeds at Book 5014, Page 140 and see also the plan recorded as Plan 74 in Plan Book 165), the last five courses being by land, now or formerly, of S. J. & K. P. Schray;

Thence S. 43° 43' 38" E., 219.78 feet, by the southeasterly line of land, now or formerly, of R.J. & A.E. Halloran, crossing Keyes Brook and running to a point at the northeasterly corner of the parcel herein being described, said point being in line of a stone wall, and of a drill-hole found at or near the easterly bank of Keyes Brook, and at land, now or formerly, of the Estate of Carl B. Stuart;

Thence S. 53° 26' 01" W., 8.23 feet, by land, now or formerly, of the Stuart Estate, to the aforementioned drill-hole found;

Thence S. 38° 19' 04" W., 139.34 feet, by land, now or formerly, of the Carl B. Stuart Estate, entering and running by the aforementioned stone wall, and across a cart road running through a gap therein, to another drill-hole found in a stone wall corner at the northwesterly corner of land, formerly of the heirs-at-law of Ethel M. Graves, now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the order of taking, dated July 22, 1993, as recorded with said Deeds on August 19, 1993 at Book 15475, Page 338);

Thence S. 38° 40' 05" W., 266.34 feet, by the stone wall, to another drill-hole found at a point therein;

Thence S. 38° 15' 22" W., 258.96 feet, by the stone wall, to another drill-hole found at a point therein;

Thence S. 37° 06' 39" W., 156.38 feet, by the stone wall, to another drill-hole found at a point therein;

Thence S. 37° 56' 59" W., 248.68 feet, by the stone wall, to another drill-hole found in a stone wall corner, at the southernmost corner of the parcel herein being described, and at a point in the northeasterly line of other land, now or formerly, of the supposed owner listed below, which land is specifically excluded from the provisions of this order and reserved to said owner, his heirs and assigns, the last four courses being by land, formerly of the heirs-at-law of Ethel M. Graves, now of the Commonwealth of Massachusetts, MDC;

Thence N. 45° 44' 20" W., 246.43 feet, by the stone wall and across a small gap therein to a drill-hole made at a point in the continuation thereof;

Thence N. 45° 49' 56" W., 611.22 feet, by the stone wall, to another drill-hole made in another stone wall corner;

Thence	N. 39° 10' 31" E., 363.58 feet, by the stone wall, to a drill hole made at a point therein;
Thence	N. 39° 29' 26" E., 213.31 feet, by the stone wall, to a point therein;
Thence	N. 40° 09' 15" E., 584.84 feet, by the stone wall, to a point therein;
Thence	N. 40° 28' 34" E., 324.16 feet, by the stone wall, to the first mentioned drill hole made in the stone wall corner at land, now or formerly, of Schray, being the first mentioned point, the point and place of beginning, the last six courses being by other lands of the supposed owner listed below, specifically excluded from the provisions of this order, and reserved to said owner, his heirs and assigns.

Containing 28.695 acres, more or less, as shown as Parcel A upon a plan entitled "Plan Of Land in Princeton, Mass. Prepared For Clayton Mosher, dated September 29, 2001, prepared by Andrysick Land Surveying, An Office of Acton Survey & Engineering, Inc., Douglas W. Andrysick P.L.S. No. 34608, a copy of which plan is on file in the Office of the General Counsel of the MDC at Commission Headquarters, located at 20 Somerset Street, Boston, MA 02108, and which plan shall be recorded with Worcester District Registry of Deeds at a later date, and be made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being most of the same premises described as the 5th parcel referenced in a deed from Evelyn G. Mosher, Raymond H. Gleason and Beatrice H. Gleason to Clayton F. Mosher, dated 27 September 1972 and recorded with Worcester District Registry of Deeds at Book 5266, Page 545.

The above-described property is represented upon Princeton Assessors Tax Map 9 as a portion of the northerly part of Parcel 24.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.
The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Clayton F. Mosher	$200,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $200,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A

1. Report of Mr. Collette, June 17, recommending that the Commission accept the conveyance of a Conservation Easement over approximately 0.424 acres of land owned by West Seyon, LLC, located in the Towns of Watertown and Waltham, Massachusetts, in accordance with Chapter 92, Section 79 of the Massachusetts General Laws.
The Commission V O T E D: to accept the conveyance of a Conservation Easement over approximately 0.424 acres of land owned by West Seyon, LLC, located in the Towns of Watertown and Waltham, Massachusetts, in accordance with Chapter 92, Section 79 of the Massachusetts General Laws

2. Report of Mr. Gray, June 17, recommending that the Commission ratify the adoption of an Order of Taking for a Conservation Restriction on approximately 2.46 acres of land owned by Edward A. Lodge and Rita C. Lodge, located in the City of Boston, as voted by the Commission at its meeting of April 25, 2002, but to designate funding for said acquisition in the amount of $250,000 from Account No. 2440-8965; and further, recommending that the Commission ratify the adoption of an Order of Taking for approximately 1.794 acres owned by Andrea F. Costello, located in the City of Boston, as voted by the Commission at its meeting of May 30, 2002, but to designate funding for said acquisition in the amount of $50,000 from Account No. 2440-8965.
The Commission V O T E D: to ratify the adoption of an Order of Taking for a Conservation Restriction on approximately 2.46 acres of land owned by Edward A. Lodge and Rita C. Lodge, located in the City of Boston, as voted by the Commission at its meeting of April 25, 2002, but to designate funding for said acquisition in the amount of $250,000 from Account No. 2440-8965.
The Commission further V O T E D: to ratify the adoption of an Order of Taking for approximately 1.794 acres owned by Andrea F. Costello, located in the City of Boston, as voted by the Commission at its meeting of May 30, 2002, but to designate funding for said acquisition in the amount of $50,000 from Account No. 2440-8965.

3. Report of Mr. Gray, June 18, recommending that the Commission adopt an Order of Taking for the acquisition of a Conservation Restriction on approximately 19.1 acres of land owned by the Town of Braintree, located in the Town of Braintree, Massachusetts, and to approve an award of damages in the amount of $2,000,000, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8960.
The Commission V O T E D: Held Over.

Adjourned at 9:35 a.m., to meet on Thursday, June 27, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Thirty Fourth (4034th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, June 27 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on June 6, 2002, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Contract No. P02-2158-C1A, dated June 27, 2002, with N.E.L. Corporation, for Agency Master Service Agreement for Emergency Bridge Repairs

2. Contract No. P02-2158-C1A, dated June 27, 2002, with Northern Tree Service, Inc./Northern Construction Service, Inc., for Agency Master Service Agreement for Emergency Bridge Repairs.

3. Contract No. P02-2158-C1A, dated June 27, 2002, with SPS New England, Inc., for Agency Master Service Agreement for Emergency Bridge Repairs.

4. Contract No. P02-2164-M1A, dated June 27, 2002, with Coviello Electric & General Contracting Co., Inc., for Maintenance of Electrical and Electronic Systems at MDC Sports Facilities,

Action was taken upon the following matters relating to the Engineering and Construction Division:

5. Report of Mrs. Overton Bussell and Mr. Faucher, June 11, recommending that work be accepted as completed as of June 30, 2000, on Contract No. P95-1784-D1A, with Carol R. Johnson Associates, Inc., for South Boston Beaches Rehabilitation.
(Basis of Award - $504,965.00)
(Amount to Date - $728,935.64)
(Contract Performance Rating – 6 with 10 being excellent)
(EEO – N/A)
Associate Commissioner Rollins noting various consultant short-comings, as outlined in the MDC Consultant Rating form, questioned why the firm was given a rating of six – when a rating of ten was excellent.
The Commission V O T E D: that the work of Carol R. Johnson Associates, Inc., Contractor under Contract No.P95-1784-C1A, be and hereby is accepted as completed as of June 30, 2000.

6. Report of Mrs. Overton Bussell and Messrs. Faucher, Misslin and Abounaja, May 22, recommending approval of additional funding in the amount of $41,652.00, for Contract No. P00-2065-D2A, with Tighe and Bond Consulting Engineers, for Licensed Site Professional Services for Various MDC Contaminated Sites, which is necessary to cover the cost of subsoil, surface and ground water sampling and analysis to determine the limit of contamination at the former Bacon Property, 8 Norcom Way in Saugus.
Funding from Account No. 2440-4994.
The Commission V O T E D: Approved

1. Report of Messrs. Faucher, Misslin, Brooks and Abounaja, February 12, recommending approval of an extension of time from December 31, 2001 to December 31, 2002, on, due to the need to handle additional work assigned in Clinton and Stoneham.
(At no additional Contract cost)
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Misslin, Brooks and Abounaja, February 12, recommending approval of an extension of time from December 30, 2001 to December 30, 2002, on Contract No.P00-2039-D1A, with CDW Consultant, Inc., for Licensed Site Professional Services (L.S.P.) for Various MDC Contaminated Facilities, due to the need to have an Open Emergency Contract available in case of an accidental spill of contaminated products or materials.
(At no additional Contract cost).
The Commission V O T E D: Approved

3. Report of Messrs. Faucher, Misslin, Brooks and Abounaja, February 13, recommending approval of an extension of time from June 17, 2002 to June 17, 2003, on Contract No.P95-1789-C3A, with Zenone, Inc., for Contaminated Site Clean-Up at Various MDC Facilities, due to the need to complete the contaminated site cleanup process from various MDC facilities and to handle add ional work assigned by the Commission.
(At no additional Contract).
The Commission V O T E D: to approve an extension of time from June 17, 2002 to June 17, 2003, as recommended by Messrs. Faucher, Misslin, Brooks and Abounaja, in their report of February 13, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher, Lenhardt and Griffin and Mrs. O'Brien and Ms. Peterson, June 19, recommending approval of a revision in quantities on Item No. 20 – Granite Post and Wood Rail - at a cost of $3,010.00, on Contract No. PL93-023-C2A, with D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton.
Funding from Account No. 2420-8961.
The Commission V O T E D: Approved.

5. Report of Messrs. Faucher and Lenhardt, June 14, requesting approval of Alteration No. 2 – to make additional rack support repairs – at a cost of $83,500.00 and Alteration No. 3 – to provide additional curved tread plates and curved angles – at a cost of $360,000.00 – (a total of $443,500.00, on Contract No. P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston.
Funding from Account No. 2490-0017.
The Commission V O T E D: to approve Alteration No. 2, in the amount of $83,500.00.
The Commission further V O T E D: to approve Alteration No. 3, in the amount of $360.000.00.

6. Report of Messrs. Faucher and Balicki, February 14, recommending the following on Contract No. P99-2008-C2A, with P. J. Kennedy & Sons, Inc., for Replacement of and New DHW Heating Systems at MDC Headquarters Building, Boston –
(a) That work be accepted as completed as of July 2, 2001.
(b) That Estimate No. 3 (Final), in the amount of $40,679.00, be approved for payment.

(c) That reserve, in the amount of $6,924.00, be approved for payment.
(Basis of Award - $139,545.00)
(Amount to Date - $138,480.00)
(Contract Performance Rating – 88 with 100 being excellent)
(EEO Compliance – 3.60)
The Commission V O T E D: That the work of P. J. Kennedy & Sons, Inc., Contractor under Contract No. P.99-2008-C2A, be and hereby is accepted as completed as of July 2, 2001.
The Commission further V O T E D: to approve Estimate No. 3 (Final), in the amount of $40,679.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $6,924.00, for payment.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Scannell, June 20, on proposals for the purchase of forest products located on the Wachusett Reservoir Watershed.
(Messrs. McGinn and Scannell recommend:
Timber Lot No. 5178 - Wachusett Reservoir Watershed in the Town of Sterling, containing approximately 26,393 board feet of timber, 73 cords of fuelwood and 112 cords of pulp. Acceptance of the highest qualified bidder, that of Burco, Inc., 277 Chestnut Street, Hudson, MA 01749 of $3,829.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $2,700.00.
Timber Lot No. 5179 -Wachusett Reservoir Watershed in the Town of Holden, containing approximately 21,462 board feet of timber and 157 cords of fuelwood. Acceptance of the highest qualified bidder, that of Burco, Inc., 277 Chestnut Street, Hudson, MA 01749 of $5,088.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $4,300.00).
The Commission V O T E D: Approved as recommended by Messrs. McGinn and Scannell in their report of June 20, 2002.

2. Report of Messrs. McGinn and Pula, June 19, on proposals for the purchase of forest products located on the Quabbin Reservoir and Ware River Watersheds.
(Messrs. McGinn and Pula recommend
Timber Lot No. 1007 - Quabbin Reservoir Watershed in the Town of Hardwick, containing approximately 177,443 board feet of timber, 268 cords of fuelwood and 146 cords of pulp. Acceptance of the highest qualified bidder, that of John Conkey & Sons Logging, 621 Daniel Shays Highway, Belchertown, MA 01007 of $21,701.20. The MDC Forester estimated the lowest acceptable bid for this lot to be $14,500.00.
Timber Lot No. 2001AA- Quabbin Reservoir Watershed in the Town of Pelham, containing approximately board feet of timber and cords of fuelwood cords of pulp. Acceptance of the highest qualified bidder, that of New Braintree Firewood, 70 Sibley Road, New Braintree, MA 01531 of $413.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $300.00.
Timber Lot No. 2009 - Quabbin Reservoir Watershed in the Town of Belchertown, containing approximately 525,401 board feet of timber, 35 cords of fuelwood and 166 cords of pulp. Acceptance of the highest qualified bidder, that of King Timber Harvesting, 15

Ragged Hill Road, Hubbardston, MA 01452 of $80,885.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $40,000.00.

Timber Lot No. 3022- Quabbin Reservoir Watershed in the Town of Wendell, containing approximately 144,693 board feet of timber, 173 cords of fuelwood and 315 cords of pulp. Acceptance of the highest qualified bidder, that of Wagner Wood, 305 North East Street, Amherst, MA 01002 of $9,280.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $9,000.00.

Timber Lot No. 3025- Quabbin Reservoir Watershed in the Town of Petersham, containing approximately 263,015 board feet of timber, 115 cords of fuelwood and 207 cords of pulp. Acceptance of the highest qualified bidder, that of W.D. Cowls, Inc., P.O. Box 9677, North Amherst, MA 01059 of $42,308.15. The MDC Forester estimated the lowest acceptable bid for this lot to be $25,000.00.

Timber Lot No. 3037- Quabbin Reservoir Watershed in the Town of New Salem, containing approximately 159,023 board feet of timber, 180 cords of fuelwood and 166 cords of pulp. Acceptance of the highest qualified bidder, that of John Conkey & Sons Logging, 621 Daniel Shays Highway, Belchertown, MA 01007 of $12,535.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $10,000.00.

Timber Lot No. 3038- Quabbin Reservoir Watershed in the Town of Petersham, containing approximately 556 board feet of timber, 10 cords of fuelwood and 3 cords of pulp. Acceptance of the highest qualified bidder, that of Butler, Arland, P.O. Box 217, Hardwick, MA 01037 of $150.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $125.00.

Timber Lot No. 3039 - Quabbin Reservoir Watershed in the Town of Petersham, containing approximately 240,467 board feet of timber, 318 cords of fuelwood and 272 cords of pulp. Acceptance of the highest qualified bidder, that of King Timber Harvesting, 15 Ragged Hill Road, Hubbardston, MA 01452 of $26,210.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $24,500.00.

Timber Lot No. 3040 - Quabbin Reservoir Watershed in the Town of Petersham, containing approximately 109,890 board feet of timber, 280 cords of fuelwood and 20 cords of pulp. Acceptance of the highest qualified bidder, that of John Conkey & Sons Logging, 621 Daniel Shays Highway, Belchertown, MA 01007 of $12,165.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $10,000.00.

Timber Lot No. 3041- Quabbin Reservoir Watershed in the Town of Petersham, containing approximately 359,331 board feet of timber, 41 cords of fuelwood and 141 cords of pulp. Acceptance of the highest qualified bidder, that of King Timber Harvesting, 15 Ragged Hill Road, Hubbardston, MA 01452 of $55,468.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $33,000.00.

Timber Lot No. 4310 -Ware River Watershed in the Town of Oakham, containing approximately 57,547 board feet of timber, 47 cords of fuelwood and 10 cords of pulp. Acceptance of the highest qualified bidder, that of King Timber Harvesting, 15 Ragged Hill Road, Hubbardston, MA 01452 of $3,051.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $3,000.00.

Timber Lot No. 4312 -Ware River Watershed in the Town of Oakham, containing approximately 65,228 board feet of timber, 30 cords of fuelwood and 32 cords of pulp. Acceptance of the highest qualified bidder, that of R.W. Rich & Sons, 201 Washburn Road,

Barre, MA 01005 of $8,130.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $3,200.00.

Timber Lot No. 4313 -Ware River Watershed in the Town of Rutland, containing approximately 73,777 board feet of timber, 39 cords of fuelwood and 21 cords of pulp. Acceptance of the highest qualified bidder, that of Wagner Wood, 305 North East Street, Amherst, MA 01002 of $5,655.20. The MDC Forester estimated the lowest acceptable bid for this lot to be $3,600.00.

The Commission V O T E D: Approved as recommended by Messrs. McGinn and Pula in their report of June 19, 2002.

1. Report of Messrs. McGinn and Pula, June 19, requesting approval of the 2002Quabbin Reservation Controlled Deer Hunt, as outlined in Table 1 of the report.

Messrs. McGinn and Pula further request approval to close the controlled hunt areas as outlined in Table 1 to all persons except those with official MDC access permits, for the following periods for each area:

New Salem - December 5 – December 6
Pelham - December 12 – December 13
Hardwick - December 12 – December 13

Messrs. McGinn and Pula further request that the Commission approve access for hunters with MDC Permits to Prescott Peninsula for the period December 5 – December 6, in accordance with Chapter 737 of the Acts of 1972, Section 09.

The Commission V O T E D: to approve the 2002 Quabbin Reservation Controlled Deer Hunt, as outlined in Table 1 of the report, as follows –

LOCATION	**SEGMENTS**	**# HUNTERS (APPROXIMATE)**	**ACRES/ HUNTER**	**DATES**
PRESCOTT (Gates 17-21) 12,500 acres	1, 2-DAY	375	33	Dec.5, 6
NEW SALEM (Gates 21-35) 5,000 acres	1, 2-DAY	150	33	Dec.5, 6
PELHAM (Gates 4-16) 9;000 acres	1, 2-DAY	300	33	Dec. 12, 13
HARDWICK (Gates 41-50) 6,000 acres	1, 2-DAY	183	33	Dec. 12, 13
TOTAL 32,500 acres	4 SEGMENTS (area-days)	1,008		

The Commission further V O T E D: Approval to close the controlled hunt areas as outlined in Table 1 to all persons except those with official access permits, for the following periods for each area (closures include all times during days outlined):

New Salem - December 5 – December 6
Pelham - December 12 – December 13
Hardwick - December 12 – December 13

The Commission further V O T E D: to approve access for hunters with MDC Permits to Prescott Peninsula for the period December 5 – December 6, in accordance with Chapter 737 of the Acts of 1972, Section 09).

1. Report of Messrs. McGinn and Church, May 28, requesting approval and execution of a contract with Scientific Certification Systems to provide third party review of the long term sustainability and environmental soundness of forest management practices on MDC watershed properties in conjunction with a statewide contract to certify the other EOEA land agencies forests.
Time for Performance – July 1, 2002 to June 30, 2003.
Cost – not-to-exceed $25,523.00.
Funding from Account No. 2421-9936.
The Commission V O T E D: Approved.
The Contracts did not arrive in time for today's Meeting, therefore Commissioner Balfour was authorized to sign the Contracts on behalf of the Commission

2. Report of Messrs. McGinn and Clifford, June 7, requesting award and execution of Contract for Foundation Construction – Sanitary Facilities Addition – under Contract No. WM02-032-C1A, for Stillwater Farm Interpretive Site.
(Messrs. McGinn and Clifford recommend acceptance of the second lowest bid, that of Flynn Construction Company of $9,975.00. The $8,800.00 bid of Cove Construction was rejected due to lack of evidence of proper insurance coverage).
The Commission V O T E D: to award Contract for Foundation Construction – Sanitary Facilities Addition – under Contract No. WM02-032-C1A, for Stillwater Farm Interpretive Site, to Flynn Construction Company, in the amount of $9,975.00.
The Contracts did not arrive in time for today's Meeting, therefore Commissioner Balfour was authorized to sign the Contracts on behalf of the Commission

3. Report of Mr. McGinn, June 14, requesting renewal and authorization for Commissioner Balfour to execute on behalf of the Commission, Contract-Agreement No. WM03-057-X1A, with Ronald E. Sharpin, P.E., Ph.D., as the Wastewater Program Manager.
Cost – Not-to-exceed $57,848.00.
Time for Performance – July 1, 2002 through June 30, 2003.
Account No. 2420-1400.
The Commission V O T E D: to renew, Contract-Agreement No. WM03-057-X1A, with Ronald E. Sharpin, P.E., Ph.D., as the Wastewater Program Manager, as requested by Mr. McGinn in his report of June 14, 2002.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Contract-Agreement on behalf of the Commission

Action was taken upon the following matters relating to the Office of General Counsel:

1. Report of Mr. Gray, June 18, recommending that the Commission adopt an Order of Taking for the acquisition of a Conservation Restriction on approximately 19.1 acres of land owned by the Town of Braintree, located in the Town of Braintree, Massachusetts, and to approve an award of damages in the amount of $2,000,000, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8960.
The Commission V O T E D: to approve adopt an Order of Taking for the acquisition of a Conservation Restriction on approximately 19.1 acres of land owned by the Town of Braintree, located in the Town of Braintree, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 2002

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Section 33 and 79 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for park and reservation and protection of open space purposes, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a conservation restriction in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Braintree in the County of Norfolk and Commonwealth of Massachusetts, namely:

A certain tract or parcel of land, lying on the southwesterly side of West Street and the northwesterly side of Granite Street, shown upon the survey plan cited below at the conclusion of this description, and recorded with Norfolk County Registry of Deeds as Plan No. 340 of 1996 in Plan Book 439.

Beginning at a point in the southwesterly line of the 1923 Norfolk County Record Layout of West Street, at the northeasterly corner of the tract or parcel herein being described, said point being at the northwesterly terminus of a stone wall, and at the northwesterly corner of abutting land, now or formerly, of one Perkins (see the deed recorded with Norfolk Registry of Deeds at Book 925, Page 209 and, the plan it references, dated May 25, 1897);

Thence S. 67° 49' 47" E., 105.35 feet, by the stone wall, and land, now or formerly, of Perkins, to a point at the southeasterly end of the wall, at an angle in the line;

Thence S. 02° 23' 42" E., 130.31 feet, by the westerly line of land, now or formerly of Perkins, to an iron pipe found at the northwesterly corner of other abutting land, now or formerly, of one McGovern (see the plan recorded with said Deeds as Plan No. 285 of 1992 in Plan Book 285);

Thence S. 05° 11' 45" W,, 152.68 feet, by the westerly line of land, now or formerly, of McGovern, to a point at the northwesterly corner of other abutting land, now or formerly, of Dunkin Donuts (see the deed recorded with said Deeds at Book 4472, Page 397);

Thence S. 04° 13' 26" W., 125.99 feet, by the westerly line of land, now or formerly, of Dunkin Donuts, to a point at the northwesterly corner of other abutting (registered) land, now or formerly, of Blue Ridge Offices (see Land Court Plan No. 11796A Lots B & C);

Thence S. 08° 35' 09" W., 120.10 feet, by the westerly line of land, now or formerly, of Blue Ridge Offices, to a point at an angle in the line;

Thence S. 17° 07' 30" W., 71.29 feet, by the westerly line of land, now or formerly, of Blue Ridge Offices, to a point at an angle in the line;

Thence S. 07° 25' 30" W., 992.00 feet, by the westerly line of land, now or formerly, of Blue Ridge Offices, to a stone bound with drill hole found at the southwesterly corner of said abutting land;

Thence S. 74° 13' 00" E., 170.51 feet, by the southerly line of land, now or formerly, of Blue Ridge Offices, to another stone bound with drill hole found at the southwesterly corner of other abutting land, now or formerly, of one Messina (see the deed recorded with said Deeds at Book 9277, Page 353);

Thence S. 66° 56' 45" E., 122.55 feet, by the southerly line of land, now or formerly, of Messina, to a point in the northwesterly line of the 1934 Norfolk County Record Layout of Granite Street;

Thence S. 22° 07' 30" W., 68.60 feet, by the record layout line of the street, to a point therein;

Thence S. 22° 07' 30" W., 221.40 feet, by the record layout line of the street, to a point at the southeasterly corner of the parcel or tract being described herein, said point being also at the northeasterly corner of abutting land, now or formerly, of one Ideal A. & Egista M. Fabrizio (see the deed recorded with said Deeds at Book 3513, Page 205);

Thence N. 89° 40' 43" W., 446.87 feet, by the northerly line of land, now or formerly, of I.A. & E.M. Fabrizio, entering and running through a stone wall, to a point in a stone wall corner, at the northwesterly corner of land, now or formerly, of Fabrizio, said wall corner being at an angle in the line of land, now or formerly, of the United States Postal Service (see the deed recorded with said Deeds at

Book 5129, Page 285 and see also the plan recorded with said Deeds as Plan No. 318 of 1975 in Plan Book 249);

Thence N. 06° 02’ 41” W., 128.60 feet, running through the stone wall to a point at an angle in the line;

Thence N. 13° 24’ 59” W., 102.59 feet, to another point at another angle in the line;

Thence N. 17° 14’ 55” W., 185.72 feet, to another point at another angle in the line;

Thence N. 07° 08’ 03” W., 26.63 feet, to a point at the end of a stone wall, at another angle in the line;

Thence N. 42° 00’ 36” W., 26.05 feet, by the stone wall, to an angle at a point therein;

Thence N. 57° 31’ 17” W., 63.30 feet, by the stone wall, to another angle at a point therein;

Thence N. 35° 55’ 44” W., 93.05 feet, by the stone wall, to another angle at another point therein;

Thence N. 31° 05’ 44” W., 82.54 feet, by the stone wall, to a drill hole found at a point therein;

Thence N. 31° 36’ 44” W., 70.40 feet, by the stone wall, to a point at an angle therein;

Thence N. 20° 15’ 44” W., 44.10 feet, by the stone wall, to another drill hole found at a point therein;

Thence N. 38° 28’ 44” W., 123.28 feet, by the stone wall, to another drill hole found at another point therein;

Thence N. 37° 48’ 21” W., 146.62 feet, by the stone wall, to a point at an angle therein;

Thence N. 43° 22’ 41” W., 90.13 feet, by the stone wall, to a point in a stone wall corner, said corner being at the southernmost point of land, now or formerly, of one Tassiopoulus (see the deed recorded with said Deeds at Book 2659, Page 537 and the plan referenced therein, recorded as Plan No. 55 of 1947), the last thirteen courses being by land, now or formerly, of the U.S. Postal Service;

Thence N. 58° 27’ 46” E., 92.29 feet, by land, now or formerly, of Tassiopoulus, and the stone wall, to a point at an angle therein;

Thence N. 51° 41’ 57” E., 256.51 feet, partially by land, now or formerly, of Tassiopoulus, and partially by land, now or formerly, of one Chandler (see the

deed recorded with said Deeds at Book 2244, Page 498 and the plan referenced therein recorded as Plan No. 544 of 1939), still by the stone wall, to a drill hole found at a point therein;

Thence N. 53° 02’ 48” E., 22.50 feet, by land, now or formerly, of Chandler, and the stone wall, to a point in a stone wall corner, said corner being the southwesterly corner of land, now or formerly, of Charles F. & Dorothy E. Opferkuch (see the deed recorded with said Deeds at Book 3112, Page 530);

Thence S. 09° 17’17” E., 5.00 feet, by land, now or formerly, of C.F. & D.E. Opferkuch, and the stone wall, to a drill hole found in another stone wall corner;

Thence N. 58° 08’ 14” E., 192.30 feet, by and through the easterly end of the wall, partially by land, now or formerly, of the aforesaid Opferkuch, and partially by land, now or formerly, of one French (see the deed recorded with said Deeds at Book 3070, Page 30), and running into and by another stone wall segment, to a point at an angle therein;

Thence N. 38° 33’ 02” E., 47.70 feet, by the stone wall and by land, now or formerly, of the aforesaid French, to a point in the southwesterly layout line of the 1923 Norfolk County Record Layout of West Street;

Thence Southeasterly, by the record layout line of the street, along the arc of a curve to the right, having a radius of 1183.20 feet, an arc distance of 41.89 feet, to a point of tangency;

Thence S. 86° 38’ 28” E., 46.97 feet, by the record layout line of the street, to a point of curvature therein;

Thence Southeasterly, by the record layout line of the street, along the arc of a curve to the left, having a radius of 840.42 feet, an arc distance of 254.94 feet, to a point at the northwesterly end of a stone wall, at the northwesterly corner of land, now or formerly of the aforesaid Perkins, being the first mentioned point, the point and place of beginning.

Containing 831,295 square feet, more or less, or 19.1 acres, more or less, as shown upon a survey plan entitled “Plan Of Land Granite + West St’s., Braintree Norfolk County MA", dated May 6, 1996, and prepared for the School Fund Trust Committee, by Yunits Engineering Co., Inc., which plan is recorded with Norfolk Registry of Deeds as Plan No. 340 of 1996 in Plan Book 439, and which is hereinafter referred to as the "Land Plan."

(See also an earlier plan entitled “Plan of Land in Braintree, Mass., belonging to Braintree School Fund”, dated April 1905, showing an area of 19.096 acres, which plan is presumably of record with said Deeds.)

The above described premises are represented as Parcel 40 on Braintree Assessors Plan No. 2048.

The aforementioned parcel is supposed to be owned by the following owner:

OWNER	RESTRICTION AREA TAKEN
Town of Braintree	831,295 square feet or 19.1 acres

Meaning and intending to take hereby a preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being the same premises as described in an Order of Taking by the Town of Braintree, dated September 13, 1954, and recorded with Norfolk Registry of Deeds in Book 3299, Page 327.

AND IN LIKE MANNER, for the same purposes and in virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, to the following restrictions on the use of the parcels of land hereinabove described:

1. No construction or placing of buildings or structures or parts thereof, or roads or portions thereof, shall be permitted on said premises, except for the construction, placement, maintenance, repair and replacement, of no more than four (4) multi-purpose recreational fields to be sited within that southerly portion of the premises known as Parcel A and shown on EXHIBIT "A" which is attached hereto and incorporated herein. Within said Parcel A, the Town of Braintree may construct or place attendant facilities and structures specifically contemplated for such recreational uses, including but not limited to backstops, fencing, viewing stands, scoreboards and flagpoles, and may construct or place one building with a footprint of no more than one thousand (1000) square feet for purposes of providing public restrooms, a concession area and a storage area for equipment. A parking area may be sited off Granite Street. For purposes of these provisions, any reference to the Town of Braintree shall be construed to mean the Town of Braintree acting by and through its Board of Selectmen.

2. Paths and sidewalks are expressly permitted to be constructed or placed on the premises for use by the public, and any and all measures shall be taken by the Town of Braintree to ensure appropriate access for those with special needs under the Americans with Disabilities Act or similar federal, state and local mandates.

3. No construction or placing of utilities or utility delivery systems, or parts thereof, shall be permitted on the northerly portion of the premises known as Parcel B and shown on said Exhibit A, except for those utilities directly related to the recreational uses permitted on said Parcel A. All such utilities located on Parcel A and on Parcel B, shall be subsurface and therefore installed underground. In no event shall any electrical service be installed to provide

lighting for the fields permitted hereunder, but electrical service is permitted for the building and the attendant structures referenced in Paragraph 1 above, and is also permitted for the parking area, if deemed necessary by the Town.

4. No other municipal uses other than the recreational activities set forth herein shall be permitted, except for the routine maintenance of the premises by the Town of Braintree and its agents, contractors, lessees or assigns. Vehicular access by the public shall be limited to that southerly portion of the Premises known as Parcel A, on and off Granite Street.

5. No provision of this Order shall be construed to prevent or otherwise impede any duly considered and approved action by the Town of Braintree to establish and charge fees for the use of the premises by other municipalities, leagues, organizations, or any similar entities. The use of the fields permitted hereunder by public and private educational institutions, as well as the shared use of one or more of the recreational fields permitted hereunder by neighboring communities and regional organizations, shall be the express priorities of the Town of Braintree in its operation of such fields and facilities pursuant to this Order.

6. No snowmobiling, ATV use or horseback riding shall be permitted.

7. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to construct the recreational fields and facilities permitted hereunder, and to grade and maintain the land.

8. No storage or stockpiling of hazardous materials, petroleum products, pesticides or herbicides shall be permitted. Storage and use of manure, fertilizers and lime may be permitted based on soil tests. Application of pesticides by a licensed applicator shall be permitted if necessary.

9. No fires shall be permitted, other than for food services duly permitted by the Town.

10. No grazing or sheltering of livestock or animals shall be permitted.

11. No other acts or uses detrimental to such premises as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction, shall be permitted.

The conservation restriction taken hereby does not grant either said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction, or the public, any right to enter upon the lands hereinabove described other than for the public uses so permitted on said public land, except that such Commission, its successors, assigns or other authority may enter upon said lands at any time for the purpose of inspecting said lands and enforcing the forgoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying

of any violations of same. The conservation restriction taken hereby and the terms and provisions hereof, shall run with the land.

The Commission awards damages sustained by the owner of the lands hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Town of Braintree	$ 2,000,000

The Commission further V O T E D: to approve an award of damages in the amount of $2,000,000, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

1. Report of Ms. Murphy, June 20, recommending that the Commission adopt an Order of Taking for acquisition of approximately 14.85 acres of land owned by Sylvia Tammi, et al, located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $17,820, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to Commission adopt an Order of Taking for acquisition of approximately 14.85 acres of land owned by Sylvia Tammi, et al, located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

Two certain parcels of land lying in the westerly part of the said Town of Hubbardston and located on the northerly side and off of the southerly side of a private way known as Parsons Road, more particularly bounded and described as follows:

Parcel "A"

A certain parcel of land lying upon the northerly side of Parsons Road, more particularly bounded and described as follows:

Beginning at the southeasterly corner thereof, at a point in the northerly line of the said Parsons Road, once marked with an iron pipe, and now monumented with an MDC concrete bound set, said point being a southwesterly corner of adjoining land, formerly of one Parsons, late of the Sudbury Rod and Gun Club, Inc., and now of the Commonwealth of Massachusetts, Department of Fisheries, Wildlife and Environmental Law Enforcement (see the quitclaim deed, dated 05/14/1997 and recorded with the Worcester District Registry of Deeds at Book 19455, Page 388);

Thence N. 68° 33' 24" E., 55.61 feet, along a wire fence, to a point;

Thence N. 44° 07' 53" E., 78.75 feet, along the fence, to a point;

Thence N. 30° 44' 27" E., 132.46 feet, along the fence, to a point;

Thence N. 39° 15' 13" E., 131.98 feet, along the fence, to another MDC concrete bound set at a point in the fence line;

Thence N. 38° 15' 10" E., 221.07 feet, running along the fence line to a drill hole set in the southwesterly end of a stone wall;

Thence N. 37° 41' 42" E., 170.70 feet, by the wall to another drill hole set at a point in an angular corner therein;

Thence N. 10° 07' 48" W., 199.99 feet, by the stone wall to another drill hole set at another wall corner;

Thence S. 64° 11' 10" W., 385.56 feet, exiting the stone wall and running by the continuation of the wire fence line, to another drill hole set;

Thence S. 60° 36' 38" W., 606.27 feet to another MDC concrete bound set at a corner of land, formerly of one Marean, later of Abel Howe (see the deed recorded with said Deeds at Book 736, Page 258), and now or formerly, of William H. & Lorna E. Rivers (see the deed recorded with said Deeds at Book 6035, Page 284) the last nine courses being by land, late of the Sudbury Rod & Gun Club, Inc., now of the Commonwealth of Massachusetts, D.F.W.E.L.E.;

Thence S. 49° 49' 21" W., 127.00 feet, by land, now or formerly, of Rivers, to a point at an angle in the line;

Thence S. 69° 19' 21" W., 264.00 feet, by the last named abutter, to a point at another corner;

Thence S. 03° 19' 21" W., 106.68 feet, by land, now or formerly, of Rivers, to a point in the northerly line of parsons Road, marked with another concrete bound set;

Thence N. 50° 31' 07" E., 129.38 feet, by the northerly line of Parsons Road, to a point of curvature therein;

Thence Northeasterly and southeasterly, by the northerly line of Parsons Road, along the arc of a curve to the right, having a radius of 157.61 feet, an arc distance of 169.01 feet, to a point of tangency;

Thence S. 76° 02' 57" E., 76.55 feet, by the northerly line of Parsons Road, to a point therein;

Thence S. 88° 06' 43" E., 168.58 feet, by the northerly line of Parsons Road, to a point of curvature therein;

Thence Southeasterly, by the northerly line of Parsons Road, along the arc of a curve to the right, having a radius of 278.08 feet, an arc distance of 183.62 feet, to a point of tangency;

Thence S. 50° 16' 46" E., 103.62 feet, by the northerly line of Parsons Road, to a point of curvature therein;

Thence Southeasterly, by the northerly line of Parsons Road, along the arc of a curve to the right, having a radius of 75.67 feet, an arc distance of 26.14 feet, to a point of tangency, which point is in the first mentioned MDC concrete bound set in the northerly line of Parsons Road, at the southeasterly corner of Parcel "A", being the point and place on beginning.

Containing 8.55 acres, more or less, as shown as Parcel "A" upon a survey plan drawn for the Commonwealth of Massachusetts, Metropolitan District Commission, by Foresight Land Services, more fully cited below at the conclusion of the description of Parcel "B" set forth below.

Parcel "B"

A certain parcel of land lying southwesterly of Parcel "A", described above, and off of the southerly side of Parsons Road, between said road and the centerline of Natty Pond Brook, formerly called Tanyard Brook, more particularly bounded and described as follows:

Beginning at a point at the northwesterly corner of the parcel being described herein, said point being at the southeasterly end of the common boundary line separating land, now or formerly of the heirs or successors of Hobart Clark (see the deeds recorded with said Deeds at Book 1227, Page 651 and Book 1248, Page 122) and land, now or formerly, of George M. Taylor (see the

deed recorded with said Deeds at Book 8370, Page 398), said common boundary course running S. 21° 32' 08" E., 147.42 feet from a bound found in the southerly line of Parsons Road, to the southwesterly corner and beginning point of this description;

Thence	S. 21° 32' 08" E., 360.00 feet, by land, formerly of one Roscoe Wilbur, now or formerly of the aforesaid George M. Taylor, to another bound found at a corner;
Thence	S. 55° 27' 51" W., 549 feet, more or less, by land, now or formerly, of Taylor, to a point in the centerline of Natty Pond Brook;
Thence	Southeasterly, northeasterly, southwesterly and northeasterly, 1067 feet, more or less along the centerline of Natty Pond Brook, to a point at land, formerly of one Parsons, late of the Sudbury Rod & Gun Club, Inc., and now of the Commonwealth of Massachusetts, Department of Fisheries, Wildlife and Environmental Law Enforcement (see the quitclaim deed recorded with said Deeds at Book 19455, Page 388);
Thence	N. 41° 18' 07" E., 119 feet, more or less, entering and running along a wire fence line to a point therein;
Thence	N. 48° 40' 27" E., 74.10 feet, along the fence line to a point therein;
Thence	N. 27 26' 57" E., 138.80 feet, along the fence line, to a point therein;
Thence	N. 19 58' 35" E., 212.80 feet, along the fence line, to another point therein;
Thence	N. 31 17' 04" E., 65.12 feet, along the fence line, to a drill hole set at a point therein, at land, now or formerly, of the heirs or successors of Hobart Clark, as aforesaid, the last five courses being by land of the Commonwealth of Massachusetts, D.F.W.E.L.E.;
Thence	N. 48 32' 43" W., 566.66 feet, by land, now or formerly of the heirs or successors of Hobart Clark, to the first mentioned point at the northwesterly corner of the parcel herein being described, lying S. 21 32' 08" E., 147.42 feet from a bound found in the southerly line of Parsons Road, being the point and place of beginning.

Containing 6.3 acres, more or less, as shown as Parcel "B" upon a plan entitled Commonwealth of Massachusetts, Metropolitan District Commission MA, Division of Watershed Management, Hubbardston (Worcester County) Mass., Land Taking Plan For Watershed Protection", prepared by Foresight Land Services, John M. Campetti, R.P.L.S. No. 31303, dated 06/24/1993, which plan shall be recorded with Worcester District Registry of Deeds at a later date and be made a part of this order. A reduced copy of said plan is attached hereto as "Exhibit A," which is a two page exhibit.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Parsons Road and/or Natty Pond Brook a.k.a. Tanyard Brook, which may be held by the supposed owners as a result of their ownership of the above described premises, and being the same premises described as the fifth and sixth parcels in a deed from Kaarl F. Tammi to Oliver J. Tammi, dated 16th October 1942 and recorded with Worcester District Registry of Deeds at Book 2871, Page 301. Note that Oliver J. Tammi died intestate on November 11, 1969. See Worcester County Probate Case No.242360.

The above-described property is represented upon Hubbardston Assessors Tax Map 7 as the northeasterly portion of Parcel 14 and all of Parcel 13.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the lands hereinabove mentioned by reason of said taking, in the following amounts:

OWNERS		AWARD
Sylvia Tammi	1/3 undivided interest	$5,940.00
Impi Tammi	1/3 undivided interest	$5,940.00
Shirley Waters	1/18 undivided interest	$ 990.00
June Tammi	1/18 undivided interest	$ 990.00
Carl Tammi	1/18 undivided interest	$ 990.00
Louise Hamilton	1/18 undivided interest	$ 990.00
Sylvia Gutting	1/18 undivided interest	$ 990.00
Victor Tammi	1/18 undivided interest	$ 990.00
Sum Total of Damages		**$17,820.00**

The Commission further V O T E D: to approve an award of damages in the amount of $17,820, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Ms. McLaughlin, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 23.693 acres in fee and a Conservation Restriction on approximately 67,883 square feet or 1.558 acres of land owned by The Trust for Public Land, located in the Town of Milton, Massachusetts, and to approve an award of damages in the amount of $2,745,000, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A; provided that $45,000 of said amount shall be used for a Management and Maintenance Plan for this parcel and attendant activities.
Accounts Nos. 2440-0125 and 2440-8965.
Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 23.693 acres in fee and a Conservation Restriction on approximately 67,883 square feet or 1.558 acres of land owned by The Trust for Public Land, located in the Town of Milton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 15 of the Acts of 1996, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Milton in the County of Norfolk and Commonwealth of Massachusetts, namely:

Lot B

A certain parcel of land, situated in the northeasterly part of the said Town of Milton, lying off of the southerly terminus of Forbes Road and, also of Marrcrest Drive Extension, designated Lot B upon a survey plan cited below at the conclusion of this description, more particularly bounded and described as follows:

Beginning at a point at the southeasterly corner of the terminus of Forbes Road, a 50 foot wide Town of Milton public way, said point being also at the northeasterly corner of land, now or formerly, of Jeremiah F. & Eileen F. Foley, and lying N. 21° 04’ 45” E., 26.36 feet from a stone bound with drill hole found at the northerly end of the stone wall marking the property line between said land, now or formerly, of Foley, and the parcel herein being described;

ThenceN. 21° 26' 00" E., 293.62 feet, partially by the terminus of Forbes Road and partially by the southerly line of land, now or formerly, of Enna Nominee Realty Trust (see the deed recorded with said Deeds at Book 12012, Page 672), to a point of non-tangency, in a curve forming the southerly boundary of land, now of the Commonwealth of Massachusetts, Metropolitan District Commission, the Neponset River Reservation, formerly land of J.M. Forbes (see the Metropolitan Park Commissioners Order of Taking No.190, dated 7/5/1899 and recorded on 7/20/1899 with said Deeds at Book 848, Page 203, and see also the accompanying Taking Plan No. 130 recorded there with as Plan No. 1060), said point being at the northwesterly corner of the premises being described herein;

Thence	Easterly, along the arc of a curve to the right, having a radius of 341.67 feet, an arc distance of 47.65 feet, to a point of tangency at a stone bound found;
Thence	S. 46° 56' 12" E., 187.20 feet, to a point of curvature at another stone bound found;
Thence	Easterly, along the arc of a curve to the left, having a radius of 289.44 feet, an arc distance of 178.15 feet, to a point of tangency
Thence	S. 82° 12' 08" E., 32.58 feet, to a point of curvature;
Thence	Easterly, along the arc of a curve to the right, having a radius of 1023.10 feet, an arc distance of 326.62 feet, to a point of tangency;
Thence	S. 63° 54' 38" E., 85.69 feet, to another point of curvature;
Thence	Easterly, along the arc of a curve to the left, having a radius of 783.60 feet, an arc distance of 395.59 feet, to a point of non-tangency, near a stone bound with drill hole found, at the northwesterly corner of land, now or formerly, of Richard B. & Nancy F. Heath (see the deed recorded with said Deeds at Book 3640, Page 326), the last seven courses being by land of the Commonwealth of Massachusetts, MDC, Neponset River Reservation;
Thence	S. 37° 13' 21" W., 776.32 feet, to a stone bound;
Thence	S. 24° 00' 57" W., 78.67 feet, to a stone bound;
Thence	N. 58° 53' 25" W., 371.65 feet, to a point;
Thence	S. 24° 04' 30" W., 507.98 feet, to a drill hole found in a stone wall corner, at a point in the northeasterly line of land, now or formerly, of Reed Realty Trust 1 (see the deed recorded with said Deeds at Book 13748, Page 294), the last four courses being by land, now or formerly, of Richard B. & Nancy F. Heath;

Thence N. 54° 56' 47" W., 166.59 feet, by the stone wall, to a drill-hole found in another stone wall corner;

Thence S. 22° 31' 00" W., 96.68 feet, by the stone wall, to a point therein;

Thence S. 22° 16' 18" W., 105.91 feet, by the stone wall, to a point therein, near a stone bound with drill hole found, said point being at the northeasterly corner of land, now or formerly, of Donald J. Morris & Suzanne G. Pender (see the deed recorded with said Deeds at Book 9479, Page 491), the last three courses being by land, now or formerly, of Reed Realty Trust 1;

Thence N. 64° 10' 42" W., 174.33 feet, to a point in a stone wall, near an iron bar found on line, at a corner;

Thence S. 30° 32' 18" W., 127.03 feet, by the stone wall, to a point therein;

Thence N. 83° 20' 42" W., 40.14 feet, to a stone bound with drill-hole found, the last three courses being by land, now or formerly, of Donald J. Morris & Suzanne G. Pender;

Thence N. 64° 50' 42" W., 51.85 feet, partially by land, now or formerly, of Donald J. Morris and partially by land, now or formerly, of Roger W. & Courtney D. Gray (see the deed recorded with said Deeds at Book 12635, Page 488), to a point in the center of a 30 foot wide way, at land, now or formerly, of Robert F. Coen & Sharon L. Noble (see the deed recorded with said Deeds at Book 13936, Page 477);

Thence Northwesterly, along the arc of a curve to the left, having a radius of 140.66 feet, an arc distance of 33.44 feet, along the center line of the 30 foot wide way, to a point of non-tangency therein,

Thence N. 40° 27' 15" W., 48.41 feet, along the center of the 30 foot wide way, to a point therein;

Thence N. 29° 04' 24" W., 30.93 feet, along the center of the 30 foot wide way, to a point therein;

Thence N. 02° 57' 00" E., 33.96 feet, along the center of the 30 foot wide way, to a point therein;

Thence N. 12° 57' 00" E., 213.81 feet, to a point on the southerly sideline of Marrcrest Drive Extension, the last five courses, along the center of the 30 foot wide way, being by land, now or formerly, of Robert F. Coen & Sharon F. Noble;

Thence S. 59° 03' 00" E., 68.43 feet, by the southerly sideline of said Marrcrest Drive

Extension, to the point of intersection of the southerly sideline of said Marrcrest Drive Extension and the terminus of said Marrcrest Drive Extension, said point being at the southwesterly corner of Lot A, other property, of the supposed owner listed below, excluded from the provisions of this fee taking, but restricted herein and hereby as described below;

Thence S. 82° 59’ 00” E., 82.15 feet, by Lot A, to a point therein;

Thence Northeasterly, by Lot A, along the arc of a curve to the left, having a radius of 155.00 feet, an arc distance of 194.04 feet, to a point of tangency;

Thence N. 25° 17’ 20” E., 115.34 feet, by Lot A, to a point therein;

Thence N. 26° 18’ 10” E., 70.87 feet, by Lot A, to a point therein;

Thence S. 63° 09’ 28” E., 197.29 feet, by Lot A, to a rebar with metal cap set at the southeasterly corner thereof;

Thence N. 26° 50’ 32” E., 227.15 feet, by Lot A, to another rebar with metal cap set at the northeasterly corner thereof;

Thence N. 63° 44’ 50” W., 228.44 feet, by Lot A, to a point at the northwesterly corner thereof;

Thence S. 26° 32’ 40” W., 188.15 feet, by Lot A, to a rebar with metal cap set in the northeasterly corner of land, now or formerly, of Beatrice E. Manz (see the deed recorded with said Deeds at Book 13037, Page 20);

Thence N. 59° 03’ 00” W., 288.96 feet, still by land, now or formerly, of Beatrice E. Manz, to another rebar with metal cap set at a point in the southerly line of land, now or formerly, of Robert H. & Helena M. Pike (see the deed recorded with said Deeds at Book 5085, Page 157);

Thence N. 27° 22’ 33’ E., 56.24 feet, to a point;

Thence N. 21° 04’ 45” E., 495.43 feet, partially still by land, now or formerly, of Robert H. & Helena M. Pike, partially by land, now or formerly, of James J. Sgroi & James F. Sgroi (see the deed recorded with said Deeds at Book 7974, Page 461), and partially by land, now or formerly, of Jeremiah F. & Eileen F. Foley (see the deed recorded with said Deeds at Book 4957, Page 673), to the point of intersection of the southerly sideline of Forbes Road and the and the terminus of said Forbes Road, being the first mentioned point, the point and place of beginning.

Containing 23.693 acres, more or less, as shown as Lot B upon a plan entitled “Approval Not

Required Plan Of Land – Plan of Land Off Forbes Road & Marrcrest Drive Extension Milton, MA (Norfolk County) Prepared For The Trust For Public Land 33 Union Street Boston, MA 02108", dated May 14, 2002, and prepared by Coler & Colantonio, Inc., Engineers & Scientists, Ronald S. Gerber, R.P.L.S. No. 33936, which plan shall be recorded with Norfolk District Registry of Deeds, and be made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Marrcrest Drive Extension and/or Forbes Road which may be held by the supposed owner, as a result of it's ownership of the above described property, and being the same premises described in a series of six deed from William N. Bancroft et als to The Trust For Public Land, dated June 28, 2002 and to be executed and recorded with Norfolk Registry of Deeds on that date.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

AND IT IS FURTHER ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a parks preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Milton in the County of Norfolk and Commonwealth of Massachusetts, namely:

Lot A-Coachman's House Lot

A certain tract of land lying off of and northwesterly of Marrcrest Drive Extension, specifically excluded from the fee taking provisions set forth above, and designated as Lot A upon the survey plan cited below at the conclusion of the description, more particularly bounded and described as follows:

Beginning at a point in the northerly end of the terminus of Marrcrest Drive Extension, at a rebar with metal cap set at a point in the southerly line of land, now or formerly, of the aforesaid Beatrice E. Manz, said point and rebar being located S. 28° 13' 00" W., 23.02 feet from a stone bound found in the northerly line of said Marrcrest Drive Extension;

Thence S. 59° 03’ 00” E., 12.21 feet, by land, now or formerly, of Beatrice E. Manz, to another rebar with metal cap set at a point of curvature;

Thence Northeasterly, along the arc of a curve to the left, having a radius of 125.00 feet, an arc distance of 208.70 feet, to a point of tangency;

Thence N. 25° 17’ 20” E., 115.61 feet, to a point;

Thence N. 26° 18’ 10” E., 88.07 feet, to a point;

Thence N. 26° 32’ 40” E., 188.15 feet, by Lot B as described above, to a point, at the northwesterly corner of Lot A;

Thence S. 63° 44’ 50” E., 228.44 feet, by Lot B, to a point at the northeasterly corner of Lot A;

Thence S. 26° 50’ 32” W., 207.15 feet, by Lot B, to a point at the southeasterly corner of Lot A;

Thence N. 63° 09’ 28” W., 197.29 feet, by Lot B, to a point in or near the easterly line of a 10 foot wide dirt drive;

Thence S. 26° 18’ 10” W., 70.87 feet, by Lot B, to a point;

Thence S. 25° 17’ 20” W., 115.34 feet, by Lot B, to a point of curvature;

Thence Southwesterly, by Lot B, along the arc of a curve to the right, having a radius of 155.00 feet, an arc distance of 194.04 feet, to a point of tangency;

Thence N. 82° 59’ 00” W., 82.15 feet, by Lot B, to a point at the southerly end of the terminus of Marrcrest Drive Extension;

Thence N. 30° 57’ 00” E., 50.00 feet, by the terminus of Marrcrest Drive Extension, to the first mentioned point in the southerly line of land, now or formerly, of the aforesaid Beatrice E. Manz, being the point and place of beginning.

Containing 67,883 square feet, more or less, or 1.558 acres, more or less, as shown as Lot A upon the Approval Not Required plan cited above, at the conclusion of the description of Lot B, and upon a second plan entitled “Easement Plan - Land Off Forbes Road & Marrcrest Drive - Milton, MA (Norfolk County) Prepared For The Trust For Public Land - 33 Union Street – Boston, MA 02108, dated June 25, 2002 and prepared by Coler & Colantonio, Engineers & Scientists, Ronald S. Gerber, R.P.L.S. No. 33936, which plan shall be recorded with Norfolk District Registry of Deeds and be made a part of this order.

A permanent easement, 20 feet wide and running from the southerly line of the rectangular portion of Lot A, across Lot B, along an existing stone wall, to a point in the curve comprising the southeasterly line of said excluded but restricted parcel, as shown upon the above referenced survey plans, is herein and hereby reserved to the owner of Lot A, designated Coachman's House Lot, and to the heirs and assigns of same, for the purposes of constructing, using, maintaining, operating, repairing, replacing, altering and upgrading a paved road for pedestrian and vehicular access to, and egress from, said premises. This easement is intended to be used for all access and utility purposes for which public ways are normally and customarily used. The utility uses permitted shall include the placement, use and maintenance of underground water, sewer, electrical and gas lines, and other utilities and appurtenances necessary or convenient for development and use of the above described Lot A. The owner and successors shall have the right to excavate within the easement area, for said purposes, and shall have the right to cut trees and brush, or perform any other work necessary or convenient for the construction, maintenance, inspection, use, operation, repair, replacement or protection of said access road and the utilities within it.

The reserved easement granted above, is more particularly bounded and described as follows:

Beginning at a rebar with metal cap set, at a point of curvature in the southeasterly line of Lot A, said point being located S. 82° 59' 00" E., 82.15 feet from the southeasterly terminus of Marrcrest Drive Extension;

Thence	Northeasterly, by the southeasterly line of Lot A, along the arc of a curve to the left, having a radius of 155.00 feet, an arc distance of 79.61 feet, to a point;
Thence	S. 82° 59' 00" E., on Lot B, 56.34 feet, to a point of curvature;
Thence	Northeasterly, on Lot B, along the arc of a curve to the left, having a radius of 10.00 feet, an arc distance of 12.52 feet, to a point of tangency, said point being in a stone wall;
Thence	N. 25° 17' 20" E., 262.85 feet, still on Lot B, and by the stone wall, to a point therein;
Thence	S. 63° 09' 28" E., 20.01 feet, by the southwesterly line of the rectangular part of Lot A, to a point therein;
Thence	S. 17° 25' 20" W., 262.31 feet, on Lot B, to a point of curvature;
Thence	Southwesterly, along the arc of a curve to the right, having a radius of 30.00 feet, an arc distance of 37.56 feet, to a point of tangency, said point being in the aforementioned stone wall;
Thence	N. 82° 59' 00" W., 132.49 feet, on Lot B, to the first mentioned point in the line of Lot A, being the point and place of beginning.

Containing an easement area of 7,373 square feet, more or less, as described above and shown upon the Easement Plan.

The aforementioned parcel is supposed to be owned by the following owner:

OWNER	RESTRICTION AREA TAKEN
The Trust For Public Land	67,883 square feet, or 1.558 acres, more or less

Meaning and intending to take hereby a parks preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being a portion of the same premises in a series of six deeds from William N. Bancroft et als to the Trust For Public Land, dated June 28, 2002 and to be executed and recorded with Norfolk District Registry of Deeds on that date.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, including the preservation of the Coachman's House, an historic building listed in the National Register of Historic Places; the conservation of its setting in its current wooded and open condition; and the protection of significant archaeological and natural resources that may exist, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, to the following restrictions on the use of the parcels of land hereinabove described.

1. Structures on the Premises shall be used for single family residential purposes only, including a customary home occupation, or a professional office for the occupant, as allowed by zoning in the Town of Milton.

2. No construction or alteration of structures shall be undertaken upon the Premises, except as provided in (a) (b) and (c) below:

a. (I) The maintenance and repair of the existing residential structure, the "Coachman's House", an historic building listed in the National Register of Historic Places, shown on the Plan, provided such maintenance and repair conforms to the Secretary of Interior Standards for Historic Preservation Projects ("Standards"), a current copy of which is attached as Exhibit A;

(II) The construction of a new addition, upon a showing to the Commission that any proposed addition shall be located on the rear elevation of the existing residential structure, shall not increase the total footprint of the existing residential structure by more than 1000 square feet, shall not exceed the height of the existing residential structure and shall be designed and constructed in compliance with the Standards. In making its determination regarding compliance with the Standards, the Commission shall consult with the Massachusetts Historical Commission; and

(III) The maintenance, repair, reconstruction and new construction of a driveway in the location shown on the Plan and utilities (including sewer, well, telephone, electricity and gas) to serve the existing residential structure, barn and accessory structures.

The construction, maintenance, removal, reconstruction, repair or new construction of the existing barn, accessory structures and improvements included without limitation a new barn, structure for horticultural use, greenhouse, shed, garage, but not including a dwelling place of any kind), provided such structures are located in within the footprint of the existing "barn complex" as shown on the Plan.

Owner shall not demolish or knowingly cause or permit to be demolished the Coachman's House. In the event of damage or destruction to the Coachman's House caused by fire or other casualty, Owner shall promptly notify the Commission of such damage or destruction. In the event that more than a substantial majority of the Coachman's House is damaged or destroyed, or the Commission otherwise determines that stabilization of the Coachman's House would be impractical, not consistent with the purpose of this Restriction, or otherwise infeasible, with prior written notice to the Commission Owner may alter, demolish, remove or raze the structure. Owner may thereafter construct a replacement structure, upon a showing to the Commission that the proposed footprint of the replacement structure is not larger than 2300 square feet, and is in the same location as and is similar in massing and height to the destroyed house.

3. The use of the Premises, or any portion thereof, shall not be used to satisfy zoning requirements for development of any adjoining unrestricted land.

4. No septic systems or leach fields shall be permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land and to conduct gardening and landscaping appropriate to use as a single family residence allowed in paragraph 7 below or except as necessary as a part of construction allowed in paragraphs 1 above.

6. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers, shall be permitted, except for use in, gardening and landscaping appropriate to use as a single family residence allowed in paragraph 7 below.

7. No tillage, except to conduct gardening and landscaping appropriate to use as a single family residence and to keeping the overall appearance of a natural setting rather than a heavily landscaped or manicured appearance. No gardening or landscaping shall occur within the 15 foot deep area along the exterior line of the rectangular portion of Lot A, marked "natural area buffer zone", on the Easement Plan cited above, except to provide for the placement of the driveway and utilities, as permitted herein above.

8. No commercial or public recreational use shall be permitted, and no motorized recreational use by Owner shall be permitted.

9. Owner shall use reasonable efforts to maintain the Premises in its existing generally wooded condition. In accordance with generally accepted forest management practices, Owner may selectively prune and cut trees to prevent, control or remove hazards, disease or insect damage, fire, or to preserve the present condition of the Premises, including woods roads and trails. No commercial timber harvesting shall be permitted. Owner shall use best efforts not to damage and destroy the stand of beech trees shown on the Plan and shall use reasonable efforts to maintain the stand of beech trees in healthy condition.

10. If in the conduct of any excavation or ground disturbance permitted herein, Owner encounters archaeological remains; Owner shall cease such excavation or ground disturbance and promptly inform the Commission about the archaeological discovery. Owner and the Commission will consult to determine the significance of the archaeological remains and cooperate with each other to determine a reasonable course of action to eliminate, minimize or mitigate harm to significant archaeological remains.

11. Upon prior written notice to Owner, the Commission may conduct or may permit others to conduct archaeological activities, including, without limitation, survey, excavation and artifact retrieval subject to any required permits, following submission of an archaeological field investigation plan and its approval in writing by the Commission and the State Archeologist of the Massachusetts Historical Commission (or appropriate successor official); provided that the areas disturbed by such activity shall be reasonably restored thereafter to their previous condition by the person conducting such investigation.

The 15 foot wide Natural Area Buffer Easement, along the margins of the rectangular part of Lot A, referred to above in Provision Number 7. and shown upon the Easement Plan referenced above, is more particularly bounded and described as follows:

Beginning at the point of intersection of a line 15 feet southeasterly of and parallel to the northwesterly line of Lot A, and a line 15 feet southwesterly of and parallel to the northeasterly line of said Lot A;

Thence S. 63° 44’ 50” E., 15 feet southwesterly from and parallel to the northeasterly line of Lot A, 198.36 feet, to a point;

Thence S. 26° 50’ 32” W., 15 feet northwesterly from and parallel to the southeasterly line of Lot A, 176.99 feet, to a point;

Thence N. 63° 09’ 28” W., 15 feet northeasterly from and parallel to the southeasterly line of Lot A, 197.44 feet, to a point;

Thence N. 26° 32’ 40” E., 15 feet southeasterly from and parallel to the northwesterly line of Lot A, 174.95 feet, to the point of beginning.

Containing a buffer easement area of 12,155 square feet, more or less, as shown upon the

Easement Plan referenced above.

The conservation restriction hereby taken does not grant either said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction, or the public, any right to enter upon the lands hereinabove described, except that such Commission, its successors, assigns or other authority may enter upon said lands upon reasonable prior notice to Owner for the purpose of inspecting the Premises to determine compliance with this restriction. The conservation restriction taken hereby and the terms and provisions hereof, shall run with the land.

The parks preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same, but does not grant the public any such rights. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owner, including the right to privacy.

Whenever notice to or a showing to the Commission is required under the provisions of Paragraph 1 above, Owner shall notify the Commission in writing not less than forty five (45) days prior to the date Grantor intends to undertake the activity in question, sending such notice to:

Office of the General Counsel
Metropolitan District Commission
20 Somerset Street
Boston, Massachusetts 02108

The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Commission to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where the Commission's approval is required, the Commission shall grant or withhold its approval in writing within forty five (45) days of receipt of Owner's written request thereof. The Commission's approval shall not be unreasonably withheld, conditioned or delayed, but shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Conservation Restriction. Failure of Commission to respond in writing within such 45 days shall be deemed to constitute approval by the Commission of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after the passage of time.

The concurrence of the Park and Recreation Commissioners of the Town of Milton, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The above described property, taken herein and restricted herein is depicted upon Milton Assessors Tax Maps as Lots 36, 37, 38B and 38C on Map F-8, and Lot 7 on Map F-7.

The total area of the above described lands, taken herein and restricted herein, is calculated to be 25.080 ± acres, as shown upon the above cited survey plans by Coler & Colantonio, Inc.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
The Trust For Public Land	$2,745,000.00

Exhibit A

Secretary of the Interior's Standards for Historic Preservation Projects
General Standards for Historic Preservation Projects

The following general standards apply to all treatments undertaken on historic properties listed in the National Register.

1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Changes which have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment.

5. Distinctive architectural features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any acquisition, stabilization, preservation, rehabilitation, restoration, or reconstruction project.

Specific Standards for Historic Preservation Projects

The following specific standards for each treatment are to be used in conjunction with the eight general standards and, in each case, begin with number 9. For example, in evaluating acquisition projects, include the eight general standards plus the four specific standards listed under Standards for Acquisition. The specific standards differ from those published for use in historic Preservation Fund grant-in-aid projects (36 CFR Part 68) in that they discuss more fully the treatment of archaeological properties.

Standards for Acquisition

9. Careful consideration shall be given to the type and extent of property rights which are required to assure the preservation of the historic resource. The preservation objectives shall determine the exact property rights to be acquired.

10. Properties shall be acquired in fee simple when absolute ownership is required to insure their preservation.

11. The purchase of less-than-fee simple interests, such as open space or facade easements, shall be undertaken when a limited interest achieves the preservation objective.

12. Every reasonable effort shall be made to acquire sufficient property with the historic resource to protect its historical, archaeological, architectural or cultural significance.

Standards for Protection

9. Before applying protective measures which are generally of a temporary nature and imply future historic preservation work, an analysis of the actual or anticipated threats to the property shall be made.

10. Protection shall safeguard the physical condition or environment of a property or archaeological site from further deterioration or damage caused by weather or other natural, animal, or human intrusions.

11. If any historic material or architectural features are removed, they shall be properly recorded and, if possible, stored for future study or reuse.

Standards for Stabilization

9. Stabilization shall reestablish the structural stability of a property through the reinforcement of load-bearing members or by arresting deterioration leading to structural failure. Stabilization shall also reestablish weather resistant conditions for a property.

10. Stabilization shall be accomplished in such a manner that it detracts as little as possible from the property's appearance and significance. When reinforcement is required to reestablish structural stability, such work shall be concealed wherever possible so as not to intrude upon or detract from the aesthetic and historical or archaeological quality of the property, except where concealment would result in the alteration or destruction of historically or archaeologically significant material or spaces. Accurate documentation of stabilization procedures shall be kept and made available for future needs.

11. Stabilization work that will result in ground disturbance shall be preceded by sufficient archaeological investigation to determine whether significant subsurface features or artifacts will be affected. Recovery, curation and documentation of archaeological features or specimens shall be undertaken in accordance with appropriate professional methods and techniques.

Standards for Preservation

9. Preservation shall maintain the existing form, integrity, and materials of a building, structure, or site. Archaeological sites shall be preserved undisturbed whenever feasible and practical. Substantial reconstruction or restoration of lost features, generally are not included in a preservation undertaking.

10. Preservation shall include techniques of arresting or retarding the deterioration of a program through a program of ongoing maintenance.

11. Use of destructive techniques, such as archaeological excavation, shall be limited to providing sufficient information for research, interpretation and management needs.

Standards for Rehabilitation

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural, or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

10. Wherever possible, new additions or alterations to structures shall be done in such a manner that is such addition or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

Standards for Restoration

9. Every reasonable effort shall be made to use a property for its originally intended purpose or to provide a compatible use that will require minimum alteration to the property and its environment.

10. Reinforcement required for structural stability or the installation of protective or code required mechanical systems shall be concealed wherever possible so as not to intrude or detract from the property's aesthetic and historical qualities, except where concealment would result in the alteration or destruction of historically significant materials or spaces.

11. Restoration work such as the demolition of non-contributing additions that will result in ground or structural disturbance shall be preceded by sufficient archaeological investigation to determine whether significant subsurface or structural features or artifacts will be affected. Recovery, curation and documentation of archaeological features and specimens shall be undertaken in accordance with appropriate professional methods and techniques.

Standards for Reconstruction

9. Reconstruction of a part or all of a property shall be undertaken only when such work is essential to reproduce a significant missing feature in a historic district or scene, and when a contemporary design solution is not acceptable. Reconstruction of archaeological sites generally is not appropriate.

10. Reconstruction f all or a part of a historic property shall be appropriate when the reconstruction is essential for understanding and interpreting the value of a historic district, or when no other building, structure, object, or landscape feature with the same associative value has survived and sufficient historical or archaeological documentation exists to insure an accurate reproduction of the original.

11. The reproduction of missing elements accomplished with new materials shall duplicate the composition, design, color, texture, and other visual qualities of the missing element. Reconstruction of missing architectural or archaeological features shall be based upon accurate duplication of original features substantiated by physical or documentary evident rather than upon conjectural designs or the availability of different architectural features from other buildings.

12. Reconstruction of a building or structure on an original site shall be preceded by a thorough archaeological investigation to locate and identify all subsurface features and artifacts. Recovery, curation and documentation of archaeological features and specimens shall be undertaken in accordance with professional methods and techniques.

13. Reconstruction shall include measures to preserve any remaining original fabric, including foundations, subsurface and ancillary elements. The reconstruction of missing elements and features shall be done in such a manner that the essential form and integrity of the original surviving features are unimpaired.

The Commission further V O T E D: to approve an award of damages in the amount of $2,745,000, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A; provided that $45,000 of said amount shall be used for a Management and Maintenance Plan for this parcel and attendant activities.

1. Report of Mr. Collette, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 0.574 acres of land owned by 2 Lynn Fells Parkway, LLC, located in the Town of Stoneham, Massachusetts, and to approve an award of damages in the amount of $ 675,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A, and to approve the grant of an easement solely for parking purposes to the abutting owners, Robert J. McAree and Carla McAree as Trustees of RCM One Realty Trust, subject to the provisions of said Order of Taking.
Accounts Nos. 2440-0125 and 2440-8886.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 0.574 acres of land owned by 2 Lynn Fells Parkway, LLC, located in the Town of Stoneham, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 15 of the Acts of 1996, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Stoneham in the County of Middlesex and Commonwealth of Massachusetts, namely:

A certain parcel of registered land, situated in the southeasterly part of the said Town of Stoneham, on the easterly side of Lynn Fells Parkway and lying southerly of the intersection of said Parkway with Pilgrim Road, and northerly of the intersection of said Parkway with West Wyoming Avenue, and lying southeasterly of Walker Road, shown as Lot 8 upon a plan entitled "Subdivision Plan of Land In Stoneham", dated February 8, 1985, prepared by Hayes Engineering Inc., Surveyors, which plan was received for registration by the Court at the Land Registration Office of the Middlesex South Registry District on July 15, 1988, which plan was designated Land Court Plan 34101C and filed with Transfer Certificate of Title No. 176276 in Registration Book 1011, Page 126, said parcel being more particularly bounded and described as follows:

Beginning at the southwesterly corner of the parcel herein being described, at a point in the easterly layout line of Lynn Fells Parkway, said point being also at the northwesterly corner of

Lot 9, also shown upon the above referenced Land Court Plan 34101C, land, now or formerly, of James C. & Mary Maheras (see the deed from Adel A. Fadilli, Trustee of the Cedar Park u/d/t, dated August 1st 1985, and see also the subsequent Transfer Certificate of Title No.176276 issued by the Court on April 11, 1986 and filed in Registration Book 1011, Page 126, which Certificate has been cancelled. For the current Certificate for Lot 9 see Document No. 1026915 and Certificate No. 207771filed in Registration Book 1169, Page 21);

Thence N. 00° 55' 38" W., 106.38 feet, by the easterly line of the Parkway, to a point in a stone bound with drill hole marking the beginning point of curvature in said Parkway layout;

Thence Northeasterly, along the arc of a curve to the right, having a radius of 730.00 feet, an arc distance of 62.42 feet, to a point of tangency, at the southwesterly corner of Lots 6 &7, other land, now or formerly, of 2 Lynn Fells Parkway, LLC, a Massachusetts Limited Liability Company, shown upon Land Court Plan 34101B, which plan is filed in the Land Registration Office of the Middlesex South Registry of Deeds, in Registration Book 994, Page 47 with Certificate No. 172797 and described in Land Court Transfer Certificate of Title No. 222996 filed in Registration Book 1245, Page 46;

Thence S. 78° 46' 56" E., 150.00 feet, by the southwesterly line of Lots 6 & 7, to a point in a stone bound with drill hole marking the northeasterly corner of Lot 8 and the southeasterly corner of Lots 6 & 7, said bound being in the westerly line of land, now or formerly, of Walker's Realty Inc., as shown upon Land Court Plan No. 33894A and described in Land Court Transfer Certificate of Title No. 131167;

Thence S. 00° 06' 16" W., 168.71 feet, by the land, now or formerly, of Walker's Realty Inc., to a point at the northeasterly corner of Lot 9, also shown on Land Court Plan No. 34101C, land, now or formerly, of James C. & Mary Maheras (see the deed from Adel A. Fadilli, Trustee of the Cedar Park u/d/t, dated August 1st 1985, and see also the subsequent Transfer Certificate of Title No. 176276 issued by the Court on April 11, 1986 and filed in Registration Book 1011, Page 126, which Certificate has been cancelled. For Maheras' current Certificate for Lot 9 see Document No. 1026915 and Certificate No. 207771, filed in Registration Book 1169, Page 21);

Thence N. 78° 48' 40" W., 150.24 feet, by the northeasterly line of Lot 9, to the first mentioned point in the easterly layout line of Lynn Fells Parkway, being the point and place of beginning.

Containing 25,011 square feet, or 0.574 acres, more or less, as shown as Parcel 67 (Lot 1A) on Stoneham Assessors Tax Map 4.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of the same premises described in a foreclosure

deed of Jeffrey B. Krall to 2 Lynn Fells Parkway, LLC, a Massachusetts Limited Liability Company, dated 26th November 2001 , filed with the Land Registration Office of the Middlesex South Registry District as Document No.1170740, for which the Court subsequently issued Transfer Certificate of Title No. 222996, which certificate is filed in Registration Book 1245, Page 46.

Expressly granting hereby, an easement, solely for parking purposes, to Robert J. McAree and Carla McAree as Trustees of RCM One Realty Trust, its successors or assigns, said easement area to be located at the southern end of Parcel 8 on Land Court Plan 31401C, as mentioned herein, and of an area to be determined by prior agreement with the MDC on a Land Court Survey to be completed by and paid for solely by said Trustees and to be recorded with the Middlesex South Registry of Deeds. Said Trustees shall provide the MDC with payment for the full market value of this easement to be determined by an independent real estate appraisal to be completed by a Massachusetts Certified Real Estate Appraiser approved by the MDC and paid for solely by said Trustees.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Stoneham, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNER	AWARD
2 Lynn Fells Parkway, LLC, a Massachusetts Limited Liability Company	$ 675,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $ 675,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

The Commission further V O T E D: to approve the grant of an easement solely for parking purposes to the abutting owners, Robert J. McAree and Carla McAree as Trustees of RCM One Realty Trust, subject to the provisions of said Order of Taking.

1. Report of Mr. Gray, June 21, recommending that the Commission approve the payment of the amount of $6,766.64, to William J. Clerkin, et al, in satisfaction of certain terms of the Pro Tanto Stipulation and Agreement filed in Norfolk County Superior Court Case No. 96-1788B. Accounts Nos. 2440-8960 and 2440-8886.
The Commission V O T E D: to approve the payment of the amount of $6,766.64, to William J. Clerkin, et al, in satisfaction of certain terms of the Pro Tanto Stipulation and Agreement filed in Norfolk County Superior Court Case No. 96-1788B, as recommended by Mr. Gray in his report of June 21, 2002

2. Report of Ms. Murphy, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 30.82 acres of land owned by Roselund Properties Trust, et al, located in the Town of Canton, Massachusetts, and to approve an award of damages in the amount of $67,150, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8965.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 30.82 acres of land owned by Roselund Properties Trust, et al, located in the Town of Canton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 15 of the Acts of 1996, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Canton in the County of Norfolk and Commonwealth of Massachusetts, namely:

Nine certain lots of recorded and registered land, four of which lying on and near Greenlodge Street, and five of which lying south of Neponset Street, herein described as seven parcels, more particularly bounded and described as follows:

GREENLODGE ST. PARCELS

Parcel 1

A parcel of land bounded generally as follows:

NORTHEASTERLY & NORTHWESTERLY by land, formerly of George Putman & William L. Putnam, Trustees under the Will of Henry L. Pierce, now of the Commonwealth of Massachusetts, Metropolitan District Commission (See the order of taking by the Metropolitan Park Commission, dated 9/13/1899 recorded with the Norfolk Registry of Deeds at Book 853, Page 581 and the accompanying plan recorded therewith as Plan No. 1084 in Plan Book 24, and see also the deed and release of damages from said Trustees, dated 3/28/1902 and recorded with said Deeds at Book 918, Page 50);

NORTHEASTERLY by the southwesterly line of the relocated Greenlodge Street;

SOUTHEASTERLY by the northwesterly line of Interstate 95;

SOUTHWESTERLY & SOUTHEASTERLY by land, now or formerly, of Geoffrey Katz & Pamela Katz, Trustees of Canton Realty Trust (See the deed recorded with said Deeds at Book 10283, Page 569);

SOUTHWESTERLY by land, formerly of Ruth Scully, now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the order of taking, dated 6/14/2001 recorded with said Deeds at Book 15240, Page 18);

NORTHWESTERLY, WESTERLY, SOUTHWESTERLY & SOUTHERLY, by the Canton-Westwood Corporate Boundary Line, running through a curve in the center of the Neponset River; and,

NORTHWESTERLY by land, now or formerly, of Jacob Wurzel, (see the deed, dated 6/01/1945 recorded with said Deeds at Book 2541, Page 584);

Containing 10.6 acres, more or less.

Parcel 1 is represented upon Canton Assessors Tax Map 35, as Lot 2.

Parcel 2

Two contiguous lots of land, herein described as a single parcel, bounded generally as follows:

NORTHERLY by the southerly line of the relocated Greenlodge Street, at the proposed location of a relocated Elm Street;

NORTHEASTERLY & SOUTHEASTERLY, by land, now or formerly, of Jane L. Bihldorff and David R. Lyman (successor) Trustees of Pakeen Nominee Trust (see the deed dated 05/26/1982, recorded with said Deeds at Book 6009, Page 344), and,

SOUTHWESTERLY by land, now or formerly, of Henry Lyman (See the deed recorded with said Deeds at Book 5631, Page 422).

Containing 5.2 acres, more or less.

Parcel 2 is represented upon Canton Assessors Tax Map 51, as Lots 2 and 3.

Parcel 3

A parcel of land bounded generally as follows:

NORTHWESTERLY, NORTHERLY and NORTHEASTERLY by the Southeasterly, Southerly and Southwesterly line of the relocated Green Lodge Street;

SOUTHEASTERLY by the Northwesterly line of Elm Street; and,

SOUTHWESTERLY & SOUTHERLY by Ponkapoag Brook and land, now or formerly, of Jane L. Bihldorff and David R. Lyman (successor) Trustees of Pakeen Nominee Trust (see the deed dated 05/26/1982, recorded with said Deeds at Book 6009, Page 344).

Containing 5.2 acres, more or less.

Parcel 3 is represented upon Canton Assessors Tax Map 51 as Lot 4.

NEPONSET ST. PARCELS

Parcel 4

A parcel of land bounded generally as follows:

SOUTHEASTERLY, by the Northwesterly bank of the relocated channel of the Neponset River.

NORTHWESTERLY, partially by land, formerly of Franksim Properties, Inc., now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the order of taking dated 6/19/1997 recorded with said Deeds at Book 11890, Page 509), and partially by land, now or formerly, of the Heirs-at-Law of Charles Thompson (See the deed recorded with said Deeds at Book 4873, Page 542);

EASTERLY, by land, now or formerly, supposed to be of the Town of Canton Conservation Commission.

Containing 0.253 acres, more or less.

Parcel 4 is represented upon Canton Assessors Tax Map 7, as Lot 2.

Parcel 5

A parcel of land bounded generally as follows:

NORTHERLY & WESTERLY, by a portion of the Norwood-Canton Corporate Line, which runs along the centerline of the former bed of the Neponset River;

NORTHWESTERLY & NORTHEASTERLY, by land, formerly of Franksim Properties, Inc., and now of the Commonwealth of Massachusetts, Metropolitan District Commission (See the order of taking dated 6/19/1997 recorded with said Deeds at Book 118980, Page 509);

NORTHWESTERLY, by the Southeasterly line of the record layout of Interstate Highway 95;

NORTHEASTERLY, EASTERLY & NORTHERLY, by a portion of the Canton-Norwood Corporate Line, which runs through the centerline of the former bed of the Neponset River;

NORTHEASTERLY, by land, now or formerly, of J.T. Gavigan, Jr., (See the deed recorded with said Deeds at Book 3896, Page 425);

SOUTHEASTERLY by the Northwesterly bank of the relocated channel of the Neponset River;

SOUTHERLY, by the northerly line of land, formerly of Franksim Properties, Inc., and now of the Commonwealth of Massachusetts, Metropolitan District Commission (See the order of taking dated 6/19/1997 recorded with said Deeds at Book 118980, Page 509);

SOUTHEASTERLY, by the northerly line of land, supposed to be of the Town of Canton Conservation Commission; and,

SOUTHWESTERLY, by land, now or formerly, of the Heirs-at-Law of Charles Thompson (See the deed recorded with said Deeds at Book 4873, Page 542.)

Containing 8.3 acres, more or less.

Parcel 5 is represented upon Canton Assessors Tax Map 7, as Lots 5 and 7.

Parcel 6

A parcel of land bounded generally as follows:

NORTHEASTERLY by land now of the Commonwealth of Massachusetts, Metropolitan District Commission, formerly of Franksim Properties, Inc. (See deed recorded with said Deeds at Book 11890, Page 509.)

SOUTHWESTERLY, partially by the land last referenced above, and partially, by land, formerly of William Putnam, now or formerly, of the Town of Canton (See the tax taking recorded with said Deeds at Book 4986, Page 61.); and,

NORTHWESTERLY, by the Southeasterly bank of the relocated channel of the Neponset River.

Containing 1.2 acres, more or less.

Parcel 6 is represented upon Canton Assessors Tax Map 7, as Lot 18.

Parcel 7

A parcel of registered land bounded generally as follows:

SOUTHEASTERLY, by the Northeasterly bank of the relocated channel of the Neponset River;

SOUTHWESTERLY, by the Northeasterly line of Neponset Street;

NORTHERLY, by a portion of the Canton-Norwood Corporate Line, which runs along the centerline of the former bed of the Neponset River.

Containing .069 acres, more or less.

Parcel 7 is represented upon Canton Assessors Tax Map 8, as Lot 3, and is shown as a portion of Lot 194, on a plan entitled "Subdivision Plan of Land in Canton", drawn by Arnold E. Schaier, C.E., dated January 30, 1954, which plan was received for registration at the Land Registration Office of the Norfolk County Registry District on April 30, 1958 and was indexed as L.C. Plan 15269Q. Said plan is filed with Certificate of Title Number 50200, in Registration Book 251, Page 200. A copy of Sheet 1 of this plan, showing the location of Canton Assessors Map 8 Parcel 3 is attached hereto as "Exhibit A." It is assumed that Parcel 7 was severed from Lot 194 by operation of the March 26, 1963 taking of a portion of Lot 194 by the Massachusetts Department of Public Works, for the relocation of a portion of the channel of the Neponset River, which instrument of taking is indexed as Document Number 242862, registered with the Land Registration Office of said Registry District on April 15, 1963.

The total area taken in fee, herein and hereby, is calculated to be 30.82 acres, more or less.

Meaning and intending to take hereby the above parcels of land, lying on and near Greenlodge Street, howsoever the same may be bounded and described, and including any and all fee interest in Greenlodge Street, which may be held by the supposed owner as the result of his ownership of the above described premises, and being the same premises described in a deed from Theodore A. Roselund to Benjamin Levin, Leo Mayer & Solomon Horwitz, dated August 16, 1956 and recorded in the Norfolk County Registry of Deeds in Book 3505 at Page 234; and in a deed from Theodore A. Roselund to Theodore A. Roselund, Miriam S. Roselund, and Leon B. Newman, Trustees of Roselund Properties Trust, dated January 24, 1968, and recorded with said Deeds in Book 4489 at Page 640. And, also the above parcels of land lying south of Neponset Street, howsoever the same may be bounded and described, and being the same premises described in a deed from American Employment Exchange, Inc., to Benjamin Levin,

Leo Mayer & Solomon Horwitz, dated September 7, 1962, and recorded with said Deeds in Book 4214 at Page 411, and in a deed from Theodore A. Roselund to Theodore A. Roselund, Miriam S. Roselund, and Leon B. Newman, Trustees of Roselund Properties Trust, dated January 24, 1968, and recorded with said Deeds in Book 4489 at Page 640, and as described in an assignment of tax title from Benjamin Levin et al to Countryside Homes, Inc., dated August 5, 1968, and recorded with said Deeds in Book 4538, Page 2. And also Parcel 7 as described above, shown upon Land Court Plan 15269Q as a portion of Lot 194 and held by the supposed owner listed below as part of the same premises described in Land Court Transfer Certificate of Title No. 84064, issued by the Court on January 25, 1968, and filed in Registration Book 421, Page 64.

See also the tax takings of the above described parcels by the Town of Canton, recorded with Norfolk Registry of Deeds in Book 7093, Pages 160,161,165,166,169,170,171, and 173. See also the Federal Tax Lien filed against Countryside Homes, Inc. on 7/06/1992 and recorded with said Deeds in Book 9435, Page 582.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Board of Selectmen of the Town of Canton, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is attached hereto and made a part hereof.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Theodore A. Roselund, Jr., Trustee of Roselund Properties Trust	$67,150.00

The Commission further V O T E D: to approve an award of damages in the amount of $67,150, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Associate Commissioner Elkort did not participate in discussion or vote on this mater.

1. Report of Mr. Gray, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 150 acres of land owned by Eino W. Jarvenpaa, located in the Town of Phillipston, Massachusetts, and to approve an award of damages in the amount of $310,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 150 acres of land owned by Eino W. Jarvenpaa,., located in the Town of Phillipston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Phillipston in the County of Worcester and Commonwealth of Massachusetts, namely:

Two certain adjoining parcels of land lying on the easterly side of the road leading from Phillipston to Barre, formerly known as White Hill Road, and now known as Williamsville Road, between said road and the Burnshirt River, more particularly bounded and described as follows:

Parcel A

Beginning at a concrete bound set at a point in the stone wall marking the easterly line of Williamsville Road, at the northwesterly corner of land, formerly of Walter W. Gates, and now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the 1st parcel described in the deed to the Commonwealth of Massachusetts, through its Metropolitan District Water Supply Commission, dated September 7, 1938 recorded with Worcester District Registry of Deeds on September 9, 1938 at Book 2729, Page 199), said bound being at the southwesterly corner of Parcel A being described herein;

Thence Easterly, 1060 feet, more or less, by the stone wall, to a point in a wall corner;

Thence Northerly, 830 feet, more or less, by the stone wall, to a point in another wall corner;

Thence Easterly, 1050 feet, more or less, by the stone wall, to a point at another wall corner;

Thence Southerly, 880 feet, more or less, by the stone wall as it runs, to a point therein;

Thence Southwesterly, 790 feet, more or less, by the stone wall as it runs, to a point in another wall corner;

Thence Easterly, 1620 feet, by the stone wall, the remains of a wire fence, and the stone wall again, to a point in the westerly line of the former rail-bed of the Old Ware River Railroad, land, late of the Penn Central Corporation, and now of the Commonwealth of Massachusetts, Department of Environmental Management (see the order of taking dated 23rd December 1985, recorded with said Deeds on December 30, 1985 at Book 9152, Page 309, and see also the plans recorded therewith entitled "Right of Way and Track Map, Land Map" of the Ware River Railroad Company, dated June 30, 1915 Valuation Section 0050, Sheet Numbers 28 through 43, recorded as Plan 89, Sheets 1-16, in Plan Book 546), the last six courses being by the first parcel described in the deed from Walter W. Gates to the Commonwealth of Massachusetts, as referenced above;

Thence Easterly, crossing the excluded former rail-bed, 50 feet, more or less, to a point in the stone wall at the northwesterly corner of the 2nd parcel conveyed by Walter W. Gates to the Commonwealth of Massachusetts, in the above referenced 1938 deed;

Thence Easterly, about 750 feet, more or less, by and through the stone wall to a point in the center-line of the Burnshirt River;

Thence Northerly, and upstream, about 3500 feet, more or less along the centerline of the river to a point in line of a "Great Rock" in the westerly bank of said river and a stone wall, being the southeasterly corner of Parcel B, described below;

Thence S. 80° W., 28 rods, or 462 feet, more or less, by the southerly line of Parcel B, to the remains of a stake & stones at its southwesterly corner, at land, now or formerly, of Roger & Judith Sirois (see Worcester County Probate No. 90P30/23E1, Estate of Lewis Johnson, and the deed to said Johnson recorded with said Deeds at Book 2943, Page 274);

Thence On the same bearing, about 88 feet, more or less, by the stone wall and land, now or formerly, of Sirois, to a point in the easterly line of the former rail-bed of the Old Ware River Railroad, now of the Commonwealth of Massachusetts, DEM;

Thence Southwesterly, about 50 feet, more or less, crossing said excluded rail-bed to a

point in the continuation of the wall, at other land, formerly of Lewis Johnson, now or formerly, of the Estate of Victor Cusanello (see the deed recorded with said Deeds at Book 4876, Page 257);

Thence Southwesterly, 88 rods or 1450 feet, more or less, by the stone wall and land, now or formerly, of Cusanello, to a point in said wall at the southeasterly corner of land, now or formerly, of Steven J. Sootkoos (see the deed recorded with said Deeds at Book 14577, Page 201);

Thence S. 85° 15' W., 51 rods & 7 links, or 846.12 feet, more or less, by the southerly line of land, now or formerly, of Sootkoos, and the stone wall, to the remains of an iron pipe in a stone wall corner, at the southwesterly corner of land, now or formerly, of Sootkoos, and the northwesterly corner of Parcel A, herein being described, said corner being in the easterly line of Williamsville Road;

Thence Southerly, by the stone wall marking the easterly line of Williamsville Road, to the concrete bound first mentioned at the northwesterly corner of land, formerly of Walter W. Gates, being the point and place of beginning.

Containing 145 acres, more or less, by estimate.

Parcel B

Beginning at a point in the centerline of the Burnshirt River, in line of the "Great Rock", in the westerly bank of said river, referenced above in the ninth course of the description of Parcel A, above, and in line of the stone wall running southwesterly there from;

Thence S. 80° W., 28 rods, or 462 feet, more or less, by the wall and the northerly line of Parcel A, to the remains of a stake & stones, at land, , now or formerly, of Roger & Judith Sirois (as referenced above);

Thence N. 16° W., 22 rods & 6 links, or 366.96 feet, more or less, to the remains of another stake & stones, at an angle in the line;

Thence N. 32° E., 31 rods & 15 links, or 521.4 feet, more or less, to the remains of another stake & stones at the northernmost corner of the parcel;

Thence S. 76° E., 7 rods or 115.5 feet, more or less, to a point in the centerline of the Burnshirt River, the last three courses being by land, now or formerly, of Sirois;

Thence Southerly, and down stream, by the centerline of the river to the first mentioned point in line with the "Great Rock" and the stone wall, being the point and place of beginning.

Containing 4 acres, more or less, by previous deed description.

The total area of the premises taken herein and hereby is estimated to be 149 acres, more or less.

There is no known survey plan of the above described premises, either recorded or unrecorded.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Williamsville Road which may be held by the supposed owner, as a result of its ownership of the above described premises, and being the same premises described in a deed from The University of New England, a Maine corporation to Jarvenpaa & Son, Inc., a Massachusetts corporation, June 22, 1988, and recorded with Worcester District Registry of Deeds at Book 11468, Page 339, and in a deed from Jarvenpaa & Son, Inc., to Eino W. Jarvenpaa, dated July 12, 2001, and recorded with said Deeds at Book 24456, Page 180.

Parcel A, as described above is supposed to be represented upon Phillipston Assessors Tax Map 2 as Parcels 1 and 6, and upon Map 3 as Parcel 7. Parcel B, as described above, is not represented as a separate parcel upon said maps, but appears to lie within the parcel shown on Map 3 as Parcel 6.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Eino W. Jarvenpaa	$ 310,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $310,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

1. Report of Mr. Collette, June 24, recommending that the Commission adopt an Order of Taking for acquisition of approximately 0.164 acres of land owned by MGE Holding Co., Inc., located in the Town of Watertown, Massachusetts, and to approve an award of damages in the amount of $50,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39, and 44A.

Account No. 2440-8960.
Mr. Gray noted that the award of damages has been increased to $75,000.00.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 0.164 acres of land owned by MGE Holding Co., Inc., located in the Town of Watertown, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 15 of the Acts of 1996, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take an easement for public access & egress purposes, for park and reservation enhancement and protection of open space purposes, across the rear portion of a parcel of land lying upon the northerly bank of the Charles River, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, in, through and upon the following described land situated in the Town of Watertown in the County of Middlesex and Commonwealth of Massachusetts, namely:

A certain parcel of registered land lying off of the southerly side of Pleasant Street, and being numbered 604 Pleasant Street in the present numbering of said street, and being shown as the parcel marked “Lot 3A” on a plan of land entitled “Subdivision Plan of Land in Watertown”, dated April 12, 1962, prepared by MacCarthy Engineering Services, Inc., which plan was received for registration at the Land Registration Office of the Middlesex South Registry District on April 27, 1962 and is filed as Plan No. 30167D with Transfer Certificate of Title No.107619 in Registration Book 668, Page 69. That portion of Lot 3A in, through and upon which the public access easement is herein and hereby placed, is bounded and described as follows:

Beginning at a point located S.18° 43’ 22” W., 738.00 feet from a point in the southwesterly line of Pleasant Street, as measured along the westerly line of land, now or formerly, of American Venture 594 Corporation (see Land Court Certificate No. 205289) and the easterly line of the aforementioned Lot 3A, said point being the southeastern-most point of Lot 3A, and, in the northerly line of the Charles River, as shown upon Land Court Plan No. 30167D, and upon an easement plan entitled “Plan Of Land Of Mass. Gas & Electric Light Supply Co. 604 Pleasant Street, Watertown, MA, Prepared For The Metropolitan District Commission”, dated April 24, 2002, drawn by Mistry Associates, Inc., 315 Main Street Reading MA, 10867, Ronald R. Turchi, R.P.L.S. No. 27001, which plan shall be filed with the Land Registration Office and be made a part of this easement order;

Thence	N. 18° 43' 22" E., 60.00 feet, by the westerly line of Lot 5, land, now or formerly, of American Venture 594 Corporation, and the easterly line of Lot 3A, to a point therein;
Thence	S. 78° 49' 37" W., 27.98 feet, by the unencumbered front portion of Lot 3A, to a point at an angle in the easement line;
Thence	N. 57° 15' 42" W., 145.06 feet, by the remaining unrestricted rear portion of Lot 3A, to a point in the easterly line of land, now or formerly, supposed to be of Boston Scientific Corporation (see Lot 1A on Land Court Plan No. 30167D);
Thence	S. 18° 43' 22" W., 48.00 feet, by the westerly line of Lot 3A and the easterly line of land, now or formerly, of Boston Scientific Corporation, to a point in the northerly bank of the Charles River;
Thence	Southeasterly and down-river, by the northerly line of the Charles River, to the first mentioned point, being the point and place of beginning.

Said easement encumbers an area of 7,156.38 square feet, more or less, or 0.164 acres, more or less, as shown upon the Mistry Associates survey plan cited above, which plan is to be filed herewith in the Land Registration Office of the Middlesex South Registry of Deeds, and made a part hereof.

Meaning and intending to take hereby an easement for public access in, through and upon the above described premises, howsoever the same may be bounded and described, and any and all appurtenant easement interests, within the above described premises, required to preserve and maintain the rights for public access so taken, said premises being the southwesterly and rear portion of the same premises conveyed by Tampa Realty Corporation, a Massachusetts corporation, to Massachusetts Gas & Electric Light Supply Company, a Massachusetts corporation, in a deed dated November 20, 1972, registered with the Land Registration Office of the Middlesex South Registry of Deeds on said date as Document # 505065. See Land Court Transfer Certificate No.139566 issued by the Court on the November 20, 1972, and registered in the Land Registration Office of Middlesex South Registry of Deeds in Registration Book 828, Page 16.

All such rights and easements so taken and required are hereby reserved for all lawful purposes which are not inconsistent with the use of same for public access purposes and for the construction, inspection, repair, renewal, replacement, operation and maintenance of said public paths, walkways, sidewalks and appurtenances. No buildings or foundations of buildings, or parts thereof, shall hereafter be erected or placed upon the above described premises, nor shall the area encumbered be used to satisfy zoning requirements for the development of any adjoining unencumbered lands. Nothing in this Order of Taking shall interfere with the rights of the owners, and their agents, successors or assigns, to use the above described premises for pedestrian ingress to and egress from their abutting property. The Commonwealth of

Massachusetts assumes no responsibility, as a result of this order of taking, for any detrimental conditions already existing within the easement area, including, but not limited to the presence of hazardous waste or materials, leachate, surface contamination, or ground water contamination.

The easement is to be perpetual. The easement will be a non-exclusive, public, multi-use path access easement (subject to and with the benefit of such related construction, maintenance, lighting and landscaping easements as may be deemed appropriate). The easement is not intended to interfere in any manner with access to the lands adjacent to the above described premises.

The encumbered premises are shown upon Watertown Assessors Map 810 as the southwesterly corner of Section 5, Block 3A.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Watertown, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the owner of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNER	AWARD
Massachusetts Gas & Electric Light Supply Company, a Massachusetts corporation, now known as MGE Holding Company, Inc.	$75,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $75,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39, and 44A

1. Report of Ms. Murphy, June 24, recommending that the Commission approve the License Agreement by and between the Metropolitan District Commission and ProStar AAA Select Hockey Camp, Inc., to enter upon and use the Ulin Memorial Rink for purposes of establishing and operating a summer youth hockey camp as a pilot program, subject to the terms and

conditions of the Agreement, and to authorize Commissioner Balfour to sign the License Agreement on behalf of the Commission.
The Commission V O T E D: to approve the License Agreement by and between the Metropolitan District Commission and ProStar AAA Select Hockey Camp, Inc., to enter upon and use the Ulin Memorial Rink for purposes of establishing and operating a summer youth hockey camp as a pilot program, subject to the terms and conditions of the Agreement.
The Commission further V O T E D: and to authorize Commissioner Balfour to sign the License Agreement on behalf of the Commission.

1. Report of Mr. Gray, June 25, recommending that the Commission approve the Permit Agreement by and between the Metropolitan District Commission and Boston's Fourth of July Foundation, Inc., to enter upon and use the Hatch Shell and portions of the Charles River Esplanade and the Charles River Basin for the production of the annual Independence Day celebration, subject to the terms and conditions of the Permit, and to authorize Commissioner Balfour to sign the Permit Agreement on behalf of the Commission.
The Commission V O T E D: to Commission approve the Permit Agreement by and between the Metropolitan District Commission and Boston's Fourth of July Foundation, Inc., to enter upon and use the Hatch Shell and portions of the Charles River Esplanade and the Charles River Basin for the production of the annual Independence Day celebration, subject to the terms and conditions of the Permit.
The Commission further V O T E D: to authorize Commissioner Balfour to sign the Permit Agreement on behalf of the Commission.

2. Report of Mr. Gray, June 25, recommending that the Commission approve the amendment of Section 3.1 of the existing Permit Agreement by and between the Metropolitan District Commission and the Boston Duck Tours, Limited Partnership, by inserting the following as the third sentence therein, effective November 30, 1998: ‘Said gross revenues shall exclude merchandising revenues which are generated off-Premises by the Permittee.’
The Comission V O T E D: to approve the amendment of Section 3.1 of the existing Permit Agreement by and between the Metropolitan District Commission and the Boston Duck Tours, Limited Partnership, by inserting the following as the third sentence therein, effective November 30, 1998: ‘Said gross revenues shall exclude merchandising revenues which are generated off-Premises by the Permittee’, as recommended by Mr. Gray in his report of June 25, 2002

Action was taken upon the following Various Matters:

3. Report of Mrs. O’Brien and Mr. Driscoll, June 24, requesting approval of Project No. PL02-079-S1A, Multi State IT Services Contract - ITS07, with Applied Geographics, Inc., for Mapping Services in the Alewife and Mystic River Reservations.
Cost – on a time and materials basis, with a cost not-to-exceed $30,000.00.
Account No. 2440-8886
The Commission V O T E D: Approved as requested by Mrs. O’Brien and Mr. Driscoll in their report of June 24, 2002

1. Report of Mrs. O'Brien, June 24, requesting renewal and execution of a Contract-Agreement with Daniel Driscoll for Planning Services Pursuant to Land Acquisition and Master Planning, FY2003, MDC Contract No. PL02-075-S1A.
Cost – Not-to-exceed $66,352.00.
Time of Performance – July 1, 2002 to June 30, 2003.
Account No. 2490-8910.
The Commission V O T E D: to renew a Contract-Agreement with Daniel Driscoll for Planning Services Pursuant to Land Acquisition and Master Planning, FY2003, MDC Contract No. PL02-075-S1A, as requested by Mrs. O'Brien in her report of June 24, 2002.
The Secretary then submitted for signature Contract-Agreement No. PL02-075-S1A, dated June 27, 2002, with Daniel Driscoll, which was signed by the Commissioner and four Associate Commissioners.

Adjourned at 9:55 a.m., to meet on Thursday, July 11, 2002 at 9:00 a.m.

William F.
Secretary

Record of the Four Thousand Thirty Fifth (4035th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, July 11, 2002.

As Commissioner Balfour was not available for today's Meeting, pursuant to Massachusetts General Laws, Chapter 28, Section 3 and Chapter 30, Section 6, he delegated Associate Commissioner Carr, as Acting Commissioner for today's Meeting.

Present, Acting Commissioner Carr and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meetings held on June 13 and June 20, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Mr. Faucher and Ms. Peterson, June 25, recommending the following on Contract No. P93-1672-C4A. with N.E.L. Corporation, for Remedial Repairs to First Street Bridge, Cambridge -
(a) That work be accepted as completed as of April 11, 2002.
(b) That Estimate No. 7 (Final), in the amount of $24,944.58, be approved for payment.
(c) That reserve, in the amount of $40,109.43, be approved for payment.
(Basis of Award - $691,584.00)
(Amount to Date - $802,188.63)
(Contract Performance Rating – 4.30)
(EEO Compliance – 3.16)
The Commission V O T E D: that the work of N.E.L. Corporation, Contractor under Contract No. P93-1672-C4A, be and hereby is accepted as completed as of April 11, 2002.
The Commission further V O T E D: to approve Estimate No. 7 (Final), in the amount of $24,944.58, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $40,109.43, for payment

2. Report of Messrs. Faucher, Carrigan and MacLean, July 2, recommending approval of a revision in quantities on Item No. 001-010 – Rebuilding Deteriorated Catch Basins and Manholes (Excluding Cost of Castings) – at a cost of $8,250.00, on Contract No. P01-2101-C3A, with Tasco Construction, Inc., for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission Area.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 005-010 – Traffic Control Services).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher, Carrigan and MacLean, July 2, recommending approval of a revision in quantities on Item No. 090-010 – Zoo Fencing 10' High Black, Vinyl-Clad, Chain

Link Fence, (2' Buried) – at a cost of $1,785.60, on Contract No.P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 091-010 – Zoo Fencing, Furnish and Install 8' High, Black Vinyl-Clad, Chain Link Fence).
The Commission V O T E D: Approved.

1. Report of Mr. Faucher and Mrs. Graves-Jones, July 5, recommending approval of revisions in quantities on Contract No. P01-2132-M1A, with Hi-Way Safety Systems, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC, as follows –

Item No. 005-010 Reflectorized Line (Thermoplastic)	$3,703.00
Item No. 010-010 Traffic Control Services	$2,000.00
Total	$5,703.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 001-010, 002-010, 004-010, 006-010, 007-010, 008-010 and 009-010).
The Commission V O T E D: Approved

2. Report of Messrs. Faucher, Misslin and Gabra, June 24, on bid for Regasketing of 4 Diesel Engines at Amelia Earhart and Charles River Dams, Contract No. P02-2143-M1A.
(Messrs. Faucher, Misslin and Gabra recommend acceptance of the only bid received, that of Boston Fuel Injection, Inc., of $48,500.00 per engine – which totals $194,000.00 - for 4 engines).
The Commission V O T E D: to accept the only bid received, that of Boston Fuel Injection, Inc., of $48,500.00 per engine – which totals $194,000.00 - for 4 engines.

3. Report of Messrs. Faucher, Misslin and Haider, June 20, on bid for Maintenance and Service to Elevators at Various MDC Facilities – for FY03 and FY04, Contract No. P02-2168-M1A.
(Messrs. Faucher, Misslin and Haider recommend acceptance of the only bid received, that of Eagle Elevator Company, Inc., of $95,928.00 – FY03 - $47,964.00 and FY04 - $47,964.00).
The Commission V O T E D: to accept the only bid received, that of Eagle Elevator Company, Inc., of $95,928.00.

4. Report of Messrs. Faucher, Misslin and Gabra, July 3, submitting for approval Project Summary Work Schedule, Project Justification and requesting authorization to readvertise Project No. P02-2175-M1A, for Rehabilitation of Flood Control Pump at the Charles River Dam.
Estimated cost - $190,000.00
Time for Performance – ninety days.
Account No. 2440-7993.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to readvertise Project No. P02-2175-M1A, for Rehabilitation of Flood Control Pump at the Charles River Dam.

1. Report of Mr. Faucher, July 1, requesting approval of Amendment No. 1 – to increase by $205,000.00, from $330,000.00 to $535,000.00, for covering the cost of performing an EIR ($40,000.00) and a comprehensive Alternatives Analysis Study ($165,000.00), on Memorandum of Agreement – Project No. P99-1979-D1B, with the Army Corps of Engineers, for Nantasket Beach Coastal Storm Damage Reduction Project (Seawall Rehabilitation).
Mr. Faucher further requests authorization for Commissioner Balfour to execute the Amendment on behalf of the Commission.
Account No. 2440-7993.
The Commission V O T E D: to approve Amendment No. 1, on Memorandum of Agreement – Project No. P99-1979-D1B, with the Army Corps of Engineers, for Nantasket Beach Coastal Storm Damage Reduction Project (Seawall Rehabilitation), as requested by Mr. Faucher in his report of July 1, 2002..
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Amendment on behalf of the Commission.

2. Report of Messrs. Faucher and Lenhardt, June 14, recommending approval of Extra Work Order No. 12 – to remove existing flat tread plates and supply new tread plates and shims at a cost of $224,984.88, on Contract No.P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston.
Funding from Account No. 2490-0017.
The Commission V O T E D: to approve Extra Work Order No. 12, in the amount of $224,984.88.

3. Report of Messrs. Faucher, Carrigan and Machado, June 26, submitting for approval Work Schedule, Project Summary, Project Justification and authorization to advertise Project No. P02-2177-C1A, for Resurfacing of MDC Parkways at Various Locations Throughout the Metropolitan District.
Estimated Cost - $3,200,000.00.
Time for Performance – twenty four months. (FY 2003, 2004 and 2005 construction seasons)
Account Nos. 2490-0017 and 2440-7991.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2177-C1A, for Resurfacing of MDC Parkways at Various Locations Throughout the Metropolitan District.

4. Report of Messrs. Faucher, Carrigan and Machado, July 3, recommending approval of revisions in quantities on the following items on Contract No. P00-2085-C1A, with D & R General Contracting, Inc., for Resurfacing MDC Parkways at Various Locations Throughout the Metropolitan District –

Item No.	**Description**	**Total Amount Of Change**
002-010	0”-4” Cold Planing	$60,000.00
004-010	Catch Basins and Manholes Adjusted To Grade	$1,000.00
006-010	Utility Boxes Adjusted to Grade	$600.00

1

2

007-010	Bituminous Concrete	$126,000.00
009-010	Bituminous Tack Coat	$2,000.00
016-010	4" Reflectorized Pavement Markings(Thermoplastic)	$3,200.00
018-010	12" Reflectorized Pavement Markings(Thermoplastic)	$600.00
019-010	Reflectorized Pavement Symbols and Legends (Thermoplastic)	$350.00
020-010	Traffic Signal Detector Loops	$2,750.00
021-010	Traffic Control Services	$3,500.00
		$200,000.00

Funding from Account No. 2490-0017.
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Misslin, Kane and Martinez, July 10, on bids for Reconstruction of Bernie King Pavilion, Nantasket Beach, Hull, Contract No.P02-2171-C1A. (Messrs. Faucher, Misslin, Kane and Martinez recommend acceptance of the lowest bid received, that of Shaw Construction Corp., of $596,000.00).
The Commission V O T E D: to of the lowest bid received, that of Shaw Construction Corp., of $596,000.00

Action was taken upon the following matter relating to the Watershed Management Division:

2. Report of Messrs. McGinn and Baratta, June 14, requesting approval of an extension of time from July 12, 2002 to September 30, 2002, on Contract No. WM97-061-C3H, with C.J.P. & Sons Construction Co., Inc., for Fort Sumter/Center/Davis Hill – East, due to a delay associated with approval of shop drawings and the lead time necessary for delivery of HVAC equipment for the Wachusett Street pumping station.
(At no additional Contract cost).
The Commission V O T E D: to approve of an extension of time from July 12, 2002 to September 30, 2002, as requested by Messrs. McGinn and Baratta in their report of June 14, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

Adjourned at 9:30 a.m., to meet on Thursday, July 18, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Thirty Sixth (4036th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, July 18, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort and Sheppard.

The Records of the Commission Meeting held on June 27, 2002, were read and approved.

The Secretary submitted for signature the following papers which were signed the Commissioner and three Associate Commissioners:

1. Contract No.P02-2165-M1A, dated July 18, 2002, with F. M. Emergency Generator, Inc., for Maintenance of Prime Power and Emergency Generators at Various MDC Locations.

2. Contract No.P02-2171-C1A, dated July 18, 2002, with Shaw Construction Corp., for Reconstruction of Bernie King Pavilion, Nantasket Beach Hull.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher, DiPietro and Galvin, July 10, requesting approval of the action of Deputy Commissioner Faucher, resulting in Alteration No. 1 – to Item No. 002-010 – Demolition and Disposal of Concrete Seawall Ramp and Miscellaneous Items – at a cost of $14,870.27, on Contract No.P94-1713-C1A, with Jay Cashman, Inc., for Wollaston Beach Seawall Rehabilitation.
Funding from Account No. 2440-7993.
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher, which resulted in Alteration No. 1 – to Item No. 002-010, on Contract No.P94-1713-C1A.
The Commission further V O T E D: to approve Alteration No. 1 – to Item No. 002-010, at a cost of $14,870.27.

4. Report of Messrs. Faucher, DiPietro and Galvin, July 8, recommending approval of an extension of time from July 25, 2002 to September 1, 2002 – to complete work on the General Edward's Bridge, on Contract No.P00-2022-C1B, with J. D'Amico, Inc., for Construction of Wastewater Discharge Systems Modifications, General Edward's Bridge, Brookwood Farm and Breakheart Administration Building.
The Commission V O T E D: to approve an extension of time from July 25, 2002 to September 1, 2002, as recommended by Messrs. Faucher, DiPietro and Galvin in their report of July 8, 2002,to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

5. Report of Messrs. Faucher, Lenhardt, Griffin and Ms. Peterson, July 8, recommending approval of Amendment No. 4 – to increase the upset limit by $118,106.27, for additional engineering services for Beades and Woods Bridges, on Contract No. P99-1986-D1A, with Gannett

Fleming, Inc., for Professional Engineering Services for Bridges, Parkways and Other Commission Facilities.
Funding from Account No. 2440-9990.
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Misslin and Abounaja, July 8, recommending approval of revisions in quantities on Contract No. P95-1789-C3A, with Zenone, Inc., for Contaminated Site Cleanup at Various MDC Facilities, as follows –

Item No. 001-001 Remove and dispose of 1000 to 5000 gallon U.S.T.	$4,000.00
Item No. 005-005 Excavation and lawful disposal of contaminated Soil at recycling facilities.	$1,000.00
Total -	$5.000.00

Funding from Account No. 2490-0017.
The Commission V O T E D: Approved

2. Report of Messrs. Faucher, Griffin and Gode-von Aesch, July 10, recommending approval of the request of the contractor to engage the services of Nicom Coating Corp., as sub-contractor on Item No. B – Sheet Membrane Waterproofing – at a cost of $5,538.48, on Contract No.P02-2156-C1A, with Prime Coatings, Inc., for Charles River Basin Pedestrian Overpass Painting.
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Lenhardt, July 12, requesting approval of the action of Commissioner Balfour resulting in Assignment No. 15 and Extra Work Order No. 8 to SPS New England for expansion joint repair to Gilmore Bridge, at a cost of $8,825.00, on Contract No. P99-1989-C10 – Emergency Standby for Bridge Repair under Master Service Contract No. P99-1989-C1A.
Funding from Account No. 2490-0012.
The Commission V O T E D: to approve action of Commissioner Balfour which resulted in Assignment No. 15 and Extra Work Order No. 8 to SPS New England for expansion joint repair to Gilmore Bridge, at a cost of $8,825.00, on Contract No. P99-1989-C10 – Emergency Standby for Bridge Repair under Master Service Contract No. P99-1989-C1A.
The Commission further V O T E D: to approve Assignment No. 15 and Extra Work Order No. 8, in the amount of $8,825.00.

4. Report of Messrs. Faucher and Martinez, June 6, recommending the following on Contract No. P02-2153-C1A, with McConnell Enterprises, Inc., for Demolition of Bernie King Pavilion, Nantasket Beach, Hull –
(a) That work be accepted as completed as of May 9, 2002.
(b) That Estimate No. 1 (Final), in the amount of $18,667.50, be approved for payment.
(c) That reserve, in the amount of $982.50, be approved for payment.
(Basis of Award - $19,870.00)
(Amount to Date - $19,650.00)

(Contract Performance Rating – 3.00)
(EEO Compliance – 4.00)
The Commission V O T E D: that the work of McConnell Enterprise, Inc., Contractor under Contract No. P02-213-C1A, be and hereby is accepted as completed as of May 9, 2002.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $18,667.50, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $982.50, for payment.

1. Report of Messrs. Faucher, Misslin and Balicki, July 12, submitting for approval Work Schedule, Project Summary, Project Justification and authorization to advertise Project No.P02-2176-C1A, for Replacement of Rink Bed Piping and Refrigeration Equipment, Allied Veterans Memorial Rink, Somerville.
Estimated Cost - $250,000.00.
Time for Performance – two months.
Account No. 2495-8968 – contingent upon sufficient funds being made available through the annual budgetary appropriation process.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P02-2176-C1A, for Replacement of Rink Bed Piping and Refrigeration Equipment, Allied Veterans Memorial Rink, Somerville.

2. Report of Mr. Faucher and Mrs. Graves Jones, July 11, on bids for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC, Contract No.P02-2170-M1A.
(Mr. Faucher and Mrs. Graves Jones recommend acceptance of the lowest corrected bid received that of Hi-Way Safety Systems, Inc., of $184,638.00).
Mr. Faucher and Mrs. Graves Jones further request execution of the Contract.
The Commission V O T E D: to accept the lowest corrected bid received that of Hi-Way Safety Systems, Inc., of $184,638.00.
The Secretary then submitted for signature Contract No. P02-2170-M1A, dated July 18, 2002, which was signed by the Commissioner and three Associate Commissioners.

3. Report of Messrs. Faucher, Misslin and Balicki, July 11, recommending approval of an extension of time from July 15, 2002 to September 15, 2002, on Contract No.P99-2029-C2A, with Patrick J. Kennedy & Sons, Inc., for New Furnace and Boiler, Quincy Homestead, Quincy. (Due to need to dig a trench on the property to install a new natural gas fuel line).
The Commission V O T E D: to approve an extension of time from July 15, 2002 to September 15, 2002, as recommended by Messrs. Faucher, Misslin and Balicki in their report of July 11, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher and Trzcinski, July 17, on bid for Maintenance of Bridge Mechanical and Electrical Systems, Contract No. P02-2169-M1A.
(Messrs. Faucher and Trzcinski recommend acceptance of the only bid received, that of R.M.H. Electrical Company, Inc., of $49,740.00).

Funding contingent upon sufficient funds being available through the annual budget appropriation process.
The Commission V O T E D: to accept the only bid received, that of R.M.H. Electrical Company, Inc., of $49,740.00.

1. Report of Messrs. Faucher, Misslin and Balicki, July 17, on bid for Contract No.P02-2172-M1A, Maintenance and Repair of Refrigeration Systems, All MDC Rinks.
(Messrs. Faucher, Misslin and Balicki request that the Commission reject the only bid received, that of Refrigeration Engineering & Contracting Co., Inc., of $599,880.00, due to the fact that the bidder neglected to include his Department of Capital Asset Management certification indicating that the firm was an eligible bidder and listing the contractor's monetary work limits).
Messrs. Faucher, Misslin and Balicki further request authorization to readvertise the project.
The Commission V O T E D: to reject the only bid received, that of Refrigeration Engineering & Contracting Co., Inc., of $599,880.00, due to the fact that the bidder neglected to include his Department of Capital Asset Management certification.
The Commission further V O T E D: authorization to readvertise the project.

Action was taken upon the following matter relating to the Watershed Management Division:

2. Report of Messrs. McGinn and Church, July 8, on a proposal to Capture and Mark Common Loons on MDC Waterbodies and Determine Overall Health and Analyze Contaminants, Contract No.WM03-076-S1A.
(Messrs. McGinn and Church recommend acceptance of the only proposal received, that of Bio Diversity Research Institute in an amount not-to-exceed $4,500.00).
They further request execution of the Contract by the Commission.
Time for Performance – July 9, 2002 to September 30, 2002.
Funding from Account No. 2420-1400.
The Commission V O T E D: to accept the only proposal received, that of Bio Diversity Research Institute in an amount not-to-exceed $4,500.00.
As the Contracts did not arrive in time for today's meeting, the Commission further V O T E D: to authorize Commissioner Balfour to execute the Contract on behalf of the Commission

Action was taken upon the following Various Matters:

3. Report of the Concession Selection Committee, July 8, recommending approval of the option to renew, including modifications, to the Permit Agreement, with Silver Platters, for the food service concession at Georges Island for the 2002 season – with a fee of $10,000.00.
The Committee further requests execution of the Permit Agreement by the Commission.
The Commission V O T E D: to approve the option to renew, including modifications, to the Permit Agreement, with Silver Platters, for the food service concession at Georges Island for the 2002 season – with a fee of $10,000.00.
The Secretary then submitted for signature Permit Agreement, dated July 18, 2002, with Silver Platters, which was signed by the Commissioner and three Associate Commissioners.

1. Report of Mr. Turner, July 17, requesting that the Commission permit the Massachusetts State Police to replace their 80'high communication structure (60 foot tower with 20 foot antennae mounted on top) - on the summit of Blue Hill with an 80'high tower with all antennae and dishes mounted on the side of the new structure.;

The new tower will be installed on the existing footprint at no expense to the Commission.

At this point, Associate Commissioner Carr asked if the MDC is the sole permitting authority for this project.

Mr. Gray stated in his opinion the MDC is the sole permitting authority.

Associate Commissioner Carr then asked if the change in the structures configuration will require Federal Aviation Administration (FAA) review.

Mr. Turner stated that he did not believe any FAA review would be necessary.

Associate Commissioner Carr then asked if the project would result in any down time to the State Police communications system.

Mr. Turner stated no, because other alternative avenues would be available for the service if needed..

After further discussion, the Commission recommended that a letter be sent to Massachusetts State Police Captain Pinkham to confirm that all FAA requirements have been met by that Agency, and also asking if that Agency charges, or will charge, other public safety agencies or commercial users for the use of the Tower.

The Commission V O T E D: to permit the Massachusetts State Police to replace their 80'high communication structure (60 foot tower with 20 foot antennae mounted on top) - on the summit of Blue Hill with an 80'high tower with all antennae and dishes mounted on the side of the new structure, as requested by Mr. Turner in his report of July 17, 2002

Action was taken upon the following matter relating to the Office of General Counsel:

2. Report of Mr. Gray, July 17, recommending that the Commission ratify the vote of the Commission at its meeting of June 20, 2002, and adopt an Order of Taking for acquisition of approximately 74.931 acres of land owned by Muir's, Inc., located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $220,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

Account No. 2420-8936.

The Commission V O T E D: to ratify the vote of the Commission at its meeting of June 20, 2002, and adopt an Order of Taking for acquisition of approximately 74.931 acres of land owned by Muir's, Inc., located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, July 18, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authorityconferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter15 of the Acts of 1996 and Section 117 of Chapter 92 of the General Laws, and acts in

amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

Five certain parcels or tracts of land lying on semi-improved private ways called Laurel Street, Dogwood Road North and Dogwood Road South, lying off of the westerly side of Gardner Road-Route 68, between said highway and a town road known as Ragged Hill Road, shown as Parcel “AA”, Parcel "CC" and Lots 57, 60 and 9, upon a plan entitled “Plot Plan Prepared For Dogwood Road Realty Trust Hubbardston, MA”, dated June 27, 2002, prepared by Szoc Surveyors, a copy of which plan is on file with the Office of the General Counsel, at Commission Headquarters, located at 20 Somerset Street, Boston MA 02108, and which plan shall be recorded with Worcester District Registry of Deeds at a later date and be made apart of this order, more particularly bounded and described as follows:

Parcel AA

A certain tract of land, lying off of the westerly sides of Laurel Street and Dogwood Road North, lying between said roads and land of the Commonwealth of Massachusetts, MDC, more particularly bounded and described as follows:

Beginning at a point on the northwesterly line of Dogwood Road North, at the northeasterly corner of its intersection with the southeasterly terminus of an unbuilt paper street labeled “Proposed Hemlock Drive”, at the southeasterly corner of Lot 30, land now or formerly of Michael R. Martin and Davita Franklin:

Thence	S. 28° 00' 00" W., 275 feet along said Dogwood Road North;
Thence	N. 62° 00’ 00” W., 400 feet by the northerly line of “Lot 28”, to a point at its northwesterly corner;
Thence	S. 28° 00’ 00” W., 515.27 feet to a point;
Thence	S. 08° 00’ 00” W., 524.21 feet to a point;
Thence	S. 22° 00’ 00” W., 1,028.15 feet to a point;
Thence	S. 17° 47' 47" W., 346.83 feet to a point in a stone wall at land formerly of the Hobart Clark Estate, now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the 6th parcel described, the “Miller Lot”, in the deed, dated June 8, 1935, from Robert E. Marshall, Administrator to the Metropolitan District Water Supply Commission, recorded with said Deeds on June 14, 1935 at Book 2643, Page 555);

Thence N. 41° 02’ 16” W., 472.94 feet, by the stone wall and the “Miller Lot”, to a stone bound found in an angular wall corner;

Thence N. 14° 12’ 31” E., 417.03 feet, by the wall and the “Miller Lot”, to a drill-hole set at a point in the wall;

Thence N. 06° 31’ 11” W., 101.73 feet, by the wall and the “Miller Lot”, to another drill-hole set at an angle in the line, at a gap in the wall;

Thence N. 55° 09’ 39” W., 155.19 feet, crossing the gap in the wall and running by the continuation of the wall and the “Miller Lot”, to another drill-hole set at a point in the wall;

Thence N. 54° 37’ 40” W., 78.79 feet, by the wall and the “Miller Lot”, to a point;

Thence N. 56° 25’ 48” W., 136.82 feet, by the wall and the “Miller Lot”, to another drill-hole set in an angular wall corner at the southeasterly corner of the “Grimes Lot, other land formerly of the Hobart Clark Estate and now of the Commonwealth of Massachusetts, MDC (see the 7th parcel described in the last cited deed above);

Thence N. 03° 39’ 08” W., 265.96 feet, by the wall and the “Grimes Lot”, to a drill-hole set in the wall on the southerly line of another gap in the wall, this one to accommodate a 16.5 foot wide American Telephone & Telegraph right-of-way (see the deed, dated December 4, 1963, recorded with said Deeds at Book 4445, Page 270);

Thence N. 03° 18’ 24” W., 745.14 feet, re-entering and running by the wall and the “Grimes Lot”, to another drill-hole set at a point in the wall;

Thence N. 02° 47’ 07” W., 164.73 feet, by the wall and the “Grimes Lot”, to another drill-hole set in another angular stone wall corner, at the southwesterly corner of land, now or formerly of Elmer Dimmick (see the deed recorded with said Deeds at Book 2713, Page 442);

Thence N. 49° 32’ 36” E., 1052.46 feet, by land, now or formerly of Elmer Dimmick, running by and through the wall, through an iron pin at the easterly end thereof and continuing through two other iron pins on line and continuing to another drill- hole set in the westerly end of another wall segment, on line;

Thence N. 49° 51’ 27” E., 696.21 feet, by land, now or formerly of Dimmick, running by and through the stone wall segment, through another iron pin at its easterly end, and running to a point at the northernmost corner of

Parcel “AA”, said point being also at the westernmost corner of Lot 317, land on another private road known as “Geordie Lane”, supposed to be now or formerly of Marcello and Joanne Tavano;

Thence S. 38° 35’ 36” E., 602.06 feet, to a drill-hole set in a stone wall corner, in the northwesterly line of Lot 31, land now or formerly of Pierre A. and Claudette M. Landry (see the deed recorded with said Deeds at Book 19336, Page 180 and the record plan for this lot recorded therewith, dated January 29, 1989);

Thence S. 11° 18’ 19” W., 569.24 feet, by the northwesterly lines of Lot 31, and Lot 30, land now or formerly of Michael A. Martin and Davita Franklin, to a point in the northerly line of the un-built paper street designated “Proposed Hemlock Drive”;

Thence S. 66° 00’00” E., 116.51 feet, by the northerly line of the proposed street and the southerly line of Lot 30 to the place and point of beginning on the northwesterly line of Dogwood Road North.

Containing 64.057 acres, more or less, including the “Proposed Hemlock Drive”, as shown as Parcel “AA” upon the above referenced survey plan.

Parcel CC

A certain tract of land shown upon the above cited situated on the easterly side of the private way known as Laurel Street and the southerly side of the private way known as Dogwood Road South, being the southeasterly corner of the intersection of the two private streets, more particularly bounded and described as follows:

Beginning at a point in the easterly line of Laurel Street, at the northwesterly corner of Lot 12, land, now or formerly, of Albert Santora (see the deed recorded with said Deeds at Book 23119, Page 169);

Thence Northwesterly, by the easterly line of Laurel Street, along the arc of a curve to the left, having a radius of 250.000 feet, an arc distance of 91.152 feet, to a point of tangency, said point being at the point if intersection of the easterly line of Laurel Street and the southerly line of Dogwood Road South;

Thence Northeasterly, by the southerly line of Dogwood Road South, along the arc of a curve to the right, having a radius of 50.000 feet, an arc distance of 80.190 feet, to a point of tangency, said point being in the southerly line of said street;

Thence S. 87° 00’ 00” E., 443.12 feet, by the southerly line of Dogwood Road South, to a point in the southerly line of said street;

Thence Northeasterly, by the southerly line of Dogwood Road South, along the arc of a curve to the left, having a radius of 300.000 feet, an arc distance of 37.926 feet, to a point of tangency, said point being in the southerly line of said street;

Thence S. 43° 07' 12" E., 579.86 feet, to a point at land now or formerly of C.S. and M.D. Clark;

Thence S. 51° 55' 01" W., 139.49 feet by land of said Clark, to a drill hole set at the northeasterly corner of the aforesaid Lot 12, at, or near the northerly line of the A.T.& T. easement referenced above;

Thence N. 64° 47'43" W., 925.89 feet, by the northeasterly line of Lot 12, to the first mentioned point in the easterly line of Laurel Street, being the point and place of beginning.

Containing a total area of 5.346 acres, as shown upon the above referenced survey plan.

Lot 57

A certain triangular lot lying on the southeasterly side of Dogwood Road North, and opposite Lot 29 described above, more particularly bounded and described as follows:

Beginning at the northwesterly corner of the lot, at a point in the southeasterly line of Dogwood Road North, and at the southwesterly corner of Lot 56, land, now or formerly, of Roger & Denise Kemmitt (see the deed recorded with said Deeds at Book 19681, Page 247);

Thence S. 59° 32' 05" E., 393.99 feet, by the southerly line of Lot 56, to a point at the northernmost corner of Lot 58, land, now or formerly, of Christopher J. & Kellee J. Franklin (see the deed recorded with said Deeds at Book 18582, Page 164);

Thence S. 73° 02' 31" W., 556.27 feet, by the northwesterly line of Lot 58, to a point in the southeasterly side of Dogwood Road North;

Thence N. 28° 00' 00" E., 410.00 feet, by the southeasterly line of the road, to the first mentioned point at the southwesterly corner of Lot 56, being the point and place of beginning.

Containing 1.852 acres, as shown as Lot 57 upon the survey plan referenced, at the beginning of this description.

Lot 60

A certain lot situated on the northwesterly side of Dogwood Road South, more particularly bounded and described as follows:

Beginning at a point in the northwesterly side of Dogwood Road South, at the southwesterly corner of the lot being described herein, and the southeasterly corner of Lot 59, land, now or formerly, of David C. & Marisa D. Coviello (see the deed recorded with said Deeds at Book 20363, Page 161);

Thence S. 87° 00’ 00” E., 200.00 feet, by the northwesterly line of the road, to a point at the southwesterly corner of Lot 61, land, now or formerly, of Norman H. Worrick (see the deed recorded with said Deeds at Book 21184, Page 264);

Thence N. 09° 09’ 35” E., 649.20 feet, by the westerly line of Lot 61, to a point in the southeasterly and rear line of Lot 56, land, now or formerly, of Roger & Denise Kemmitt (see the deed recorded with said Deeds at Book 19681, Page 247);

Thence S. 73 02’ 31” W., 60.06 feet, by Lot 56, to a point at the northeasterly corner of Lot 58, land, now or formerly, of Christopher J. & Kellee J. Franklin (see the deed recorded with said Deeds at Book 18582, Page 164);

Thence S. 21 50’ 14” W., 660.32 feet, partially by Lot 58 and partially by Lot 59, to the first mentioned point in the northwesterly side of Dogwood Road South, being the point and place of beginning.

Containing 1.836 acres, as shown as Lot 60 upon the survey plan referenced, at the beginning of this description.

Lot 9

A certain lot shown upon the above cited plot plan, situated on the easterly side of the private way known as Laurel Street and the southerly side of the private way known as Dogwood Road South, more particularly bounded and described as follows:

Beginning at a point in the southerly line of Dogwood Road South, at the northeasterly corner of Parcel CC;

Thence Northeasterly, by the southerly line of Dogwood Road South, along the arc of a curve to the left, having a radius of 300.000 feet, an arc distance of 108.682 feet, to a point of tangency, said point being in another concrete bound set in the frontage of said Lot 9, at the terminus of the constructed portion of Dogwood Road South;

Thence N. 65° 00’ 00” E., 91.32 feet, by the southerly line of the un-constructed portion of Dogwood Road South, to a point at the northwesterly corner of Lot 8, land, supposed to be, now or formerly, of Drouin & Kosakowski;

Thence	S. 35° 10' 24" E., 514.58 feet, by the southwesterly line of Lot 8, to a point at its southwesterly corner, at land, formerly of C.S. & M.D. Clark, supposed to be, now or formerly, of Dwayne W. Clark;
Thence	S. 51° 55' 01" W., 111.07 feet, by the northwesterly line of land, now or formerly, of Clark, to a point;
Thence	S. 43° 07' 12" E., 579.86 feet, by the northeasterly line of Parcel CC, to the first mentioned point in the southerly line of Dogwood Road South, being the point and place of beginning.

Containing a total area of 1.84 acres, as shown upon the survey plan referenced above.

The total calculated area of the parcel and lots, taken herein and hereby in fee, is calculated to be 74.931 acres, more or less.

ALSO taken herein and hereby is an access and egress easement across the above named private streets and roads to and from Gardner Road-Route 68 and, to and from the parcel and the various above-described lots. This easement is taken for all purposes for which public and private ways are normally and customarily used.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the remaining portions of the same premises described in a deed from Maurice J.A. Belhumeur and Elmire R. Belhumeur to Muir's Inc., a Massachusetts corporation, dated 21st April 1986 and recorded with the Worcester District Registry of Deeds at Book 9390, Page 346.

The above-described property is represented upon Hubbardston Assessors Tax Map 13 as Parcels 31, 9, 82, 81, 63, 58 and 61.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Muir's Inc., a Massachusetts corporation	$220,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $220,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

Adjourned at 10:00 a.m., to meet on Thursday, July 25, 2002 at 9:00 a.m.

Julia B O'Brien
acting
Secretary

Record of the Four Thousand Thirty Seventh (4037th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, July 25, 2002.

As Commissioner Balfour was not available for today's Meeting, pursuant to Massachusetts General Laws, Chapter 28, Section 3 and Chapter 30, Section 6, he delegated Associate Commissioner Carr, as Acting Commissioner for today's Meeting.

Present, Acting Commissioner Carr and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on July 11, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Carrigan and MacLean, July 16, recommending approval of Work Schedule, Project Summary, Project Justification and authorization to advertise Project No.P02-2178-C1A, for Rehabilitation of Tennis and Basketball Courts Throughout the Metropolitan District.
Estimated Cost - $640,000.00
Time for Performance – twelve months – FY03 and FY04.
Account No. 2440-7991.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P02-2178-C1A, for Rehabilitation of Tennis and Basketball Courts Throughout the Metropolitan District.

2. Report of Messrs. Faucher and McCalla, June 28, recommending approval of revisions in quantities on Contract No.P00-2057-M1A, with Coviello Electric & General Contracting Co., Inc., for Electrical, Electronic and Sound System Maintenance at Sports Facilities, Recreation Areas and MDC Buildings Throughout the Metropolitan District, as follows –

Item No. 1 – Hourly Rate for Licensed Electrician -	$16,500.00
Item No. 3 – Hourly Rate for Helper -	$16,205.00
Item No. 5 – Hourly Rate for Power Staging -	$ 100.00
Item No. 6 – Materials, Components and Parts -	$16,000.00
Total -	$48,805.00

(At no increase in contract cost as the revisions will be offset by unused quantities in Item No. 2 – Hourly Rate for Licensed Electrician for Electronic Repair and Service).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Lenhardt, July 16, requesting approval of a revision in quantities on Item No. 22B – Furnish and Install 6" Type I Loam and Meadow Seed Mix – at a cost of $18,165.00, on Contract No.P197-044-C1A, with WES Construction Corp., for Pope John Paul II Park Phase I, Neponset River Reservation, Boston.
(The expenditure of the $18,165.00 from Alteration No. 2 – Credit to the Commission, will fund the increase).

The Commission V O T E D: Approved

1. Report of Messrs. Faucher, Griffin and Gode-von Aesch, July 18, recommending approval of an extension of time from August 1, 2002 to October 30, 2002 – due to the need for additional work, on Contract No. P02-2156-C1A, with Prime Coatings, Inc., for Charles River Basin Pedestrian Overpass Painting.
The Commission V O T E D: to approve an extension of time from August 1, 2002 to October 30, 2002, as recommended by Messrs. Faucher, Griffin and Gode-von Aesch, in their report of July 18, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation

2. Report of Messrs. Faucher and Lenhardt, July 19, recommending approval of Amendment No. 1 – for a comprehensive study for major improvements in the Storrow Drive Tunnel/Esplanade/Hatch Shell area – at a cost of $70,000.00, on Contract No.P93-1671-D1A, with Simpson, Gumpertz & Heger, Inc., for Design Services for Storrow Drive Tunnel Rehabilitation.
Funding from Account No. 2440-9990.
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher, Carrigan and MacLean, July 16, submitting for approval Work Schedule, Project Summary, Project Justification and authorization to advertise Project No. P02-2179-C1A, for Repairing/Replacing Bituminous & Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District.
Estimated Cost - $1,500,000.00.
Time for Performance – twenty-four months – FY03 – FY04 and FY05.
Account Nos. 2490-0017 and 2440-7991 – contingent upon sufficient funds being made available through the annual budget appropriation process.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2179-C1A, for Repairing/Replacing Bituminous & Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District

4. Report of Messrs. Faucher, Misslin and Haider, July 19 requesting approval of an extension of time from July 23, 2002 to September 7, 2002, for administrative purposes only, due to delays in receiving chillers from the factory, on Contract No. P02-2163-M1A, with Patrick J. Kennedy and Sons, Inc., for 5 Ton Chiller Replacement, Ponkapoag Golf Course. This extension of time will in no way affect the liquidated damages provisions of Article XXII that may be due the Commission and shall not operate as a waiver on the part of the Commission or in any of its rights under this Contract.
The Commission V O T E D: to approve an extension of time from July 23, 2002 to September 7, 2002, for administrative purposes only, as requested by Messrs. Faucher, Misslin and Haider in their report of July 19, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, if required, and on condition that no further request will be made for additional compensation. This extension of time will in no way affect the liquidated

damages provisions of Article XXII that may be due the Commission and shall not operate as a waiver on the part of the Commission or in any of its rights under this Contract.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

1. Report of Mrs. Overton Bussell and Messrs. Faucher and Orfant, July 11, requesting approval of Amendment No. 1 – primarily for increased cost in design and construction for new and upgraded traffic signalization and proposed beach nourishment – at a cost of $502,450.00, on Contract No.P98-1937-D1A, with Rizzo Associates, Inc., for Boston Harbor Beaches – Wollaston Beach Rehabilitation.
Funding from Account No. 2490-0017.
The Commission V O T E D: Approved

2. Report of Messrs. Faucher and Misslin, July 23, requesting approval of Service Amendment No. 8, for required environmental remediation at Abigail Adams Park in Weymouth, in the amount of $70,095.00, to Service Contract No. P00-2065-D1A with GEI Consultants, Inc., for Licensed Site Professional Services for Various MDC Contaminated Sites.
Funds are available in Account No. 2440-7994.
The Commission V O T E D: Approved

Action was taken upon the following matters relating to the Office of General Counsel:

3. Report of Messrs. Gray and Hart, July 10, recommending the following on Contract No. 2000122, with Bouley Brothers, Inc., for Professional Land Surveying Services for Watershed Land Acquisition Program –
(a) That work be accepted as completed as of July 2, 2002.
(b) That Invoice No. 1 (Final), in the amount of $6,300.00, be approved for payment.
(Basis of Award - $6,300.00)
(Amount to Date - $6,300.00)
(Contract Performance Rating – 9.00 with 10.00 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of Bouley Brothers, Inc., Contractor under Contract No. 20000122, be and hereby is accepted as completed as of July 2, 2002.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $6,300.00, for payment.

4. Report of Mr. Gray, July 22, recommending that the Commission ratify the vote of the Commission at its meeting of June 27, 2002, and adopt an Order of Taking for acquisition of approximately 150 acres of land owned by Eino W. Jarvenpaa,
located in the Town of Phillipston, Massachusetts, and to approve an award of damages in the amount of $310,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: Delete from Agenda.

1. Report of Mr. Collette, June 22, recommending that the Commission ratify the vote of the Commission at its meeting of June 27, 2002, and adopt an Order of Taking for acquisition of approximately 0.574 acres of land owned by 2 Lynn Fells Parkway, LLC, located in the Town of Stoneham, Massachusetts, and to approve an award of damages in the amount of $675,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A, and to approve the grant of an easement solely for parking purposes to the abutting owners, Robert J. McAree and Carla McAree as Trustees of RCM One Realty Trust, subject to the provisions of said Order of Taking; and further, to approve the acquisition of said land by deed, for the consideration of $675,000, if the concurrence of the Board of Selectmen of the Town of Stoneham is not forthcoming for the acquisition by eminent domain, in accordance with Section 40H of G.L.c.7; and further, to authorize the grant of a license to said abutting owner solely for parking purposes, at an annual fee to be determined by an independent real estate appraiser under contract with the Commission, and for a term not to exceed five successive years.
Accounts Nos. 2440-0125 and 2440-8886.
The Commission VOTED: Held Over.

Adjourned at 9:20 a.m., to meet on Thursday, August 1, 2002 at 9:00 a.m.

William J. Chisholm
Secretary

Record of the Four Thousand Thirty Eighth (4038th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, August 1, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

As Secretary Chisholm was not available for today's Meeting, Julia O'Brien, Director of Planning, was designated Acting Secretary for today's Meeting.

The Records of the Commission Meeting held on July 18, 2002, were read and approved.

The Acting Secretary submitted for signature the following papers which were signed the Commissioner and four Associate Commissioners:

1. Contract No. P02-2168-M1A, dated August 1, 2002, with Eagle Elevator Company, Inc., for Maintenance and Service to Elevators at Various MDC Facilities for FY03 and FY04.

2. Contract No. P02-2169-M1A, dated August 1, 2002, with R.M.H. Electrical Company, Inc., for Maintenance of Bridge Mechanical and Electrical Systems.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Thurlow, July 23, requesting approval of Extra Work Order No. 1 – to remove existing concrete benches, tables, trash receptacles and asphalt bases – at a cost of $58,901.00, on Contract No.P02-2143-C1A, with CRC Company, Inc., for Installation of Benches Along the Charles River.
Funding from Account No. 2440-8961.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $58,901.00.

4. Report of Messrs. Faucher, Carrigan and Machado, July 25, requesting that the Commission amend its vote of June 6, 2002, on Contract No.P00-2085-C1A, with D & R General Contracting, Inc., for Resurfacing MDC Parkways at Various Locations Throughout the Metropolitan District by deleting Item No. 005-010, Catch Basins and Manholes Rebuilt and inserting Item No. 021-010, Traffic Control Services, as a source of funding for the revisions in quantities.
The Commission V O T E D: to amend its vote of June 6, 2002, on Contract No.P00-2085-C1A, with D & R General Contracting, Inc., for Resurfacing MDC Parkways at Various Locations Throughout the Metropolitan District by deleting Item No. 005-010, Catch Basins and Manholes Rebuilt and inserting Item No. 021-010, Traffic Control Services, as a source of funding for the revisions in quantities.

Action was taken upon the following matter relating to the Watershed Management Division:

1. Report of Messrs. McGinn and O'Connor, July 22, requesting approval of the request of the contractor to engage the services of NER Construction Management, Inc., Building Restoration, as subcontractor for Item Nos. 03221, 03251, 03931, 03932, 03933, 04921 and 04922, at a cost of $135,180.00, on Contract No. WM94-003-C1A, with Tasco Construction, Inc., for Remedial Repairs/ Improvements for Public Safety Considerations, Beaman Street Bridge, West Boylston.
(At no increase in Contract cost).
The Commission V O T E D: Approved

2. Report of Messrs. McGinn and Baratta, July 16, requesting Commission approval to reduce the upset limit of Contract No. WM98-061-X7R, with the Holden Fire Department, in the amount of $78,200.00, (from $108.200.00 to $30,000.00) and to transfer the funds into Contract No. WM97-061-X5R, with the Holden Police Department, thereby increasing the upset limit of the Holden Police Department Contract from ($1,000,000.00 to $1,078,200.00), for services to accompany ongoing sewer construction.
The Commission V O T E D: approval to reduce the upset limit of Contract No. WM98-061-X7R, with the Holden Fire Department, in the amount of $78,200.00, (from $108.200.00 to $30,000.00).
The Commission further V O T E D: approval to transfer the funds into Contract No. WM97-061-X5R, with the Holden Police Department, thereby increasing the upset limit of the Holden Police Department Contract from ($1,000,000.00 to $1,078,200.00), for services to accompany ongoing sewer construction, as requested by Messrs. McGinn and Baratta in their report of July 16, 2002

Action was taken upon the following Various Matters:

3. Report of Mrs. O'Brien and Ms. Garnett, July 17, requesting approval of Amendment No. 5, for an extension of time from July 31, 2002 to July 31, 2003, on Contract Agreement No. PL93-023-D2A, with Planners Collaborative Inc., for Neponset River Trail Design Services, Dorchester and Milton, due to delay in the completion of the Construction Administration Phase of the Contract.
The Commission V O T E D: Approved.

4. Report of Mr. Jewett, July 29, requesting approval of Project No. TC02-001-S1A, for Blue Hill Tower Consolidation Study, and award the Project to H. E. Bergeron Engineers.
Compensation - $16,100.00 to be paid on a lump sum basis.
Time for Performance – 30 days from Notice to Proceed with two options to extend the completion of 60 days each option.
Funds are available in Account No. 2490-0016.
Mr. Jewett further requests authorization to prepare a Contract for Commission execution.
The Commission V O T E D: to approve Project No. TC02-001-S1A, for Blue Hill Tower Consolidation Study.
The Commission further V O T E D: to award the Project to H. E. Bergeron Engineers, as requested by Mr. Jewett in his report of July 29, 2002.

The Commission further V O T E D: to authorize Mr. Jewett to prepare the Contract for Commission execution.

1. Report of Mr. Jewett, July 29, requesting approval of Project No. TC02-002-S1A, for Blue Hill Market Analysis and Radio Frequency Study, and award the Project to J. D. Hunter, Inc.
Compensation – in an amount not-to-exceed $20,000.00 to be paid on a lump sum basis.
Time for Performance – 30 days from Notice to Proceed with two options to extend the completion of 60 days each option.
Funds are available in Account No. 2490-0016.
Mr. Jewett further requests authorization to prepare a Contract for Commission execution.
The Commission V O T E D: to approve Project No. TC02-002-S1A, for Blue Hill Market Analysis and Radio Frequency Study.
The Commission further V O T E D: to award the Project to J. D. Hunter, Inc., as requested by Mr. Jewett in his report of July 29, 2002.
The Commission further V O T E D: to authorize Mr. Jewett to prepare the Contract for Commission execution.

Action was taken upon the following matter relating to the Office of General Counsel:

2. Report of Mr. Collette, June 22, recommending that the Commission ratify the vote of the Commission at its meeting of June 27, 2002, and adopt an Order of Taking for acquisition of approximately 0.574 acres of land owned by 2 Lynn Fells Parkway, LLC, located in the Town of Stoneham, Massachusetts, and to approve an award of damages in the amount of $675,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A, and to approve the grant of an easement solely for parking purposes to the abutting owners, Robert J. McAree and Carla McAree as Trustees of RCM One Realty Trust, subject to the provisions of said Order of Taking; and further, to approve the acquisition of said land by deed, for the consideration of $675,000, if the concurrence of the Board of Selectmen of the Town of Stoneham is not forthcoming for the acquisition by eminent domain, in accordance with Section 40H of G.L.c.7; and further, to authorize the grant of a license to said abutting owner solely for parking purposes, at an annual fee to be determined by an independent real estate appraiser under contract with the Commission, and for a term not to exceed five successive years.
Accounts Nos. 2440-0125 and 2440-8886.
The Commission V O T E D: to ratify the vote of the Commission at its meeting of June 27, 2002, and adopt an Order of Taking for acquisition of approximately 0.574 acres of land owned by 2 Lynn Fells Parkway, LLC, located in the Town of Stoneham, Massachusetts.
The Commission further V O T E D: to approve an award of damages in the amount of $675,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
The Commission further V O T E D: to approve the grant of an easement solely for parking purposes to the abutting owners, Robert J. McAree and Carla McAree as Trustees of RCM One Realty Trust, subject to the provisions of said Order of Taking.

The Commission further V O T E D: to approve the acquisition of said land by deed, for the consideration of $675,000, if the concurrence of the Board of Selectmen of the Town of Stoneham is not forthcoming for the acquisition by eminent domain, in accordance with Section 40H of G.L.c.7.

The Commission further V O T E D: to authorize the grant of a license to said abutting owner solely for parking purposes, at an annual fee to be determined by an independent real estate appraiser under contract with the Commission, and for a term not to exceed five successive years.

The Commission further V O T E D: to authorize Commissioner Balfour to sign the deed on behalf of the Commission.

Associate Commissioner Carr did not participate in discussion or vote on this matter

Adjourned at 9:25 a.m., to meet on Thursday, August 8, 2002 at 9:00 a.m.

William F. Crush
Secretary

Record of the Four Thousand Thirty Ninth (4039th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, August 8, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, and Rollins.

The Records of the Commission Meeting held on July 25, 2002, were read and approved.

The Secretary submitted for signature the following paper which was signed the Commissioner and three Associate Commissioners:

1. Contract No.P02-2143-M1A, dated August 8, 2002, with Boston Fuel Injection, Inc., for Regasketing of 4 Diesel Engines at Amelia Earhart and Charles River Dams.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Mr. Faucher, July 31, recommending approval of the following revision in quantity on Contract No. P00-2022-C2A, with Fiore Construction, Inc., for Construction of Sewer Connection at Houghton's Pond Bathhouse, Milton -
Item No. 247.01 – 1.5 inch PVC Sanitary Sewer Pipe - **$1,680.00**.
(At no additional Contract cost as the revision will be offset by unused quantities in Item No. 1010 Archeological Services).
The Commission V O T E D: Approved

3. Report of Messrs. Faucher and Lenhardt, August 1, recommending approval of the following revision in quantity on Contract No. P96-1819-C1A, with Boston Building & Bridge Corp., for Rehabilitation of Sweetser Bridges (Nos. 20 & 25), Everett –
Item No. 012-010 – Railroad Protection - **$1,294.65**.
(At no additional Contract cost as the revision will be offset by unused quantities in Item Nos. 003-010 – Painted Pavement Arrows, 03-030 – 12" white lines and 003-040 – 4" yellow lines).
The Commission V O T E D: Approved

4. Report of Mr. Faucher and Mrs. Graves Jones, July 30, recommending approval of the following revisions in quantities on Contract No. P02-2141-M1A, with Coviello Electric & General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Old Colony and Blue Hills Districts –

Item No. 016-010 – General Purpose Wire (X.H.H.W.#14)	**- $ 943.25**
Item No. 018-010 – Traffic Signal Loop Detector Conductor	**- $13,000.00**
Total	**- $13,943.25**

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 002-020 – Maintenance for Traffic Control Devices).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher and Lenhardt, July 24, recommending the following on Contract No.PL97-044-C1A, with Wes Construction Corporation, for Pope John Paul II Park/Phase I, Neponset River Reservation –
(a) That work be accepted as completed as of July 6, 2001.
(b) That Estimate No. 35 Ret. Final, (CREDIT TO THE COMMISSION), in the amount of $52,567.61, be approved.
(c) That reserve, in the amount of $167,955.04, be approved and permission be granted to pay the Contractor $115,385.43 - ($167,955.04 (reserve) minus $52,567.61 Estimate No. 35 Ret. Final, (CREDIT TO THE COMMISSION)
(Basis of Award - $8,013,500.00)
(Amount to Date - $9,338,793.14)
(Contract Performance Rating – 4.00 – on a scale 1 to 5 with 5 being excellent)
(EEO Compliance – 4.16)
The Commission V O T E D: that the work of Wes Construction Corporation, Contractor under Contract No.PL97-044-C1A, be and hereby is accepted as completed as of July 6, 2001.
The Commission further V O T E D: that Estimate No. 35 Ret. Final, (CREDIT TO THE COMMISSION), in the amount of $52,567.61, be approved.
The Commission further V O T E D: that reserve, in the amount of $167,955.04, be approved and permission be granted to pay the Contractor $115,385.43 - $167,955.04 (reserve) minus $52,567.61 Estimate No. 35 Ret. Final, (CREDIT TO THE COMMISSION).

2. Report of Messrs. Faucher, Misslin and Balicki, July 30, requesting that the Commission amend its vote of May 9, 2002 on Contract No. P02-2138-C2A, for Underground Sanitary and Potable Water Piping, Visitors Center and Maintenance Garage, Breakheart Reservation, Saugus, which authorized the advertisement of the project, by increasing the Contract amount from $29,445.00 to $59,445.00.
Funding from Account No. 2440-7991.
The Commission V O T E D: to amend its vote of May 9, 2002 on Contract No. P02-2138-C2A, for Underground Sanitary and Potable Water Piping, Visitors Center and Maintenance Garage, Breakheart Reservation, Saugus, which authorized the advertisement of the project, by increasing the Contract amount from $29,445.00 to $59,445.00

3. Report of Messrs. Faucher and Gabra, July 31, recommending the following on Contract No. P01-2124-C4A, with Tar-Vel Roofing Co., Inc., for Demolition and Replacement of Existing Roof System of the Service Building of Melnea Cass Pool.
(a) That work be accepted as completed as of May 27, 2002.
(b) That Estimate No. 2 (Final), in the amount of $9,405.00, be approved for payment.
(c) That reserve, in the amount of $6,150.00, be approved for payment.
(Basis of Award - $123,000.00)
(Amount to Date - $123,000.00)
(Contract Performance Rating – 100 with 100 being excellent)
(EEO Compliance – 3.60)
The Commission V O T E D: that the work of Tar-Vel Roofing Co., Inc., Contractor under Contract No. P01-2124-C4A, be and hereby is accepted as completed as of May 27, 2002.

The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $9,405.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $6,150.00, for payment

1. Report of Messrs. Faucher and Lenhardt, August 5, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No.P03-2180-D1A, for Design Services for the Restoration of the Longfellow Bridge.
Estimated Cost for Project is $7,000,000.00.
Time for Performance – six years for design and construction.
Account No. 2490-8911.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P03-2180-D1A, for Design Services for the Restoration of the Longfellow Bridge

Action was taken upon the following matters relating to the Watershed Management Division:

2. Report of Messrs. McGinn and Scannell, August 2, requesting Commission acceptance of Administrative Consent Order ACO-CE-02-9007-24. between the Department of Environmental Protection and the MDC Division of Watershed Management, regarding violations of applicable solid and hazardous waste regulations at certain locations within the Wachusett Watershed properties.
Messrs. McGinn and Scannell further request authorization for Commissioner Balfour to execute the Administrative Consent Order on behalf of the Commission.
The Commission V O T E D: to accept the Administrative Consent Order ACO-CE-02-9007-24. between the Department of Environmental Protection and the MDC Division of Watershed Management, as requested by Messrs. McGinn and Scannell in their report of August 2, 2002.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Administrative Consent Order on behalf of the Commission.

3. Report of Messrs. McGinn and Zimmerman, July 29, recommending the following on Contract No. WM98-094-X2R, with the Town of Boylston, for Wachusett Watershed Technical Assistance – Town of Boylston Master Plan –
(a) That work be accepted as completed as of June 28, 2002.
(b) That Final Invoice, in the amount of $292.13, be approved for payment.
(Basis of Award - $14,000.00)
(Amount to Date - $27,277.68)
The Commission V O T E D: that work be accepted as completed as of June 28, 2002.
The Commission further V O T E D: to approve Final Invoice, in the amount of $292.13, for payment

Action was taken upon the following Various Matters:

4. Report of Mrs. Overton Bussell, August 2, requesting approval of Amendment No. 5 to the Memorandum of Agreement between The Boston Harbor Association (TBHA) and

the MDC (as approved by the Commission in July of 1995) regarding the Back to the Beaches Program. The Amendment provides for continuation of the outreach and marketing activities at a cost of $15,000.00.
Funding from Account No. 2440-8956
The Commission V O T E D: Approved.

1. Report of Mr. Jewett, July 29, requesting approval of Project No. TC02-001-S1A, for Blue Hill Tower Consolidation Study, and award the Project to H. E. Bergeron Engineers.
Compensation - $16,100.00 to be paid on a lump sum basis.
Time for Performance – 30 days from Notice to Proceed with two options to extend the completion of 60 days each option.
Funds are available in Account No. 2490-0016.
Mr. Jewett further requests authorization to prepare a Contract for Commission execution.
The Commission V O T E D: to approve Project No. TC02-001-S1A, for Blue Hill Tower Consolidation Study.
The Commission further V O T E D: to award the Project to H. E. Bergeron Engineers, as requested by Mr. Jewett in his report of July 29, 2002.
The Commission further V O T E D: to authorize Mr. Jewett to prepare the Contract for Commission execution

Action was taken upon the following matters relating to the Office of General Counsel:

2. Report of Mr. Gray, August 7, submitting for approval expenditure of $200,000.00 in Open Order Contract No. GC03-0001, for Appraisal, Title, Engineering and Related Services for Park Land Acquisition FY/03 - Middlesex, Suffolk, Norfolk, Essex and Plymouth Counties.
Account Nos. 2440-8886 and 2420-1420, under Section 2 of Chapter 15 of the Acts of 1996 (Open Space Bond) and Section 2E of Chapter 236 of the Acts of 2000.
The Commission V O T E D: Approved

3. Report of Mr. Gray, August 7, submitting for approval expenditure of $200,000.00 in Open Order Contract No. GC03-0002, for Appraisal, Title, Engineering and Related Services for Watershed Land Acquisition FY/03 - Worcester and Franklin Counties.
Account No. 2421-9936, under Sections 6 and 12 of Chapter 36 of the Acts of 1992 (Cohen Bill), as amended.
The Commission V O T E D: Approved.

Adjourned at 9:35 a.m., to meet on Thursday, August 15, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Fortieth (4040th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, August 15, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr and Elkort..

The Records of the Commission Meeting held on August 1, 2002, were read and approved.

The Secretary submitted for signature the following papers which were signed the Commissioner and two Associate Commissioners:

1. Amendment No. 1, dated August 15, 2002, to Contract No. P93-1671-D1A, with Simpson, Gumpertz & Heger, Inc., for Design Services for Storrow Drive Tunnel Rehabilitation

2. Amendment No. 5, dated August 15, 2002, to Memorandum of Agreement between The Boston Harbor Association and the MDC, regarding The Back to the Beaches Program.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher, Gode-Von Aesch and Lenhardt, August 8, recommending the following on Contract No.P02-2145-C1A, with SPS New England for Armory Bridge Scour Repair, Medford –
(a) That work be accepted as completed as of June 25, 2002.
(b) That reserve, in the amount of $3,990.28, be approved for payment.
(Basis of Award - $84,850.00)
(Amount to Date - $79,805.00)
(Contract Performance Rating – 4.30)
(EEO Compliance – 2.80)
The Commission V O T E D: that the work of SPS New England, Contractor under Contract No. P02-2145-C1A, be and hereby is accepted as completed as of June 25, 2002.
The Commission further V O T E D: to approve release of reserve, in the amount of $3,990.28, for payment.

4. Report of Messrs. Faucher and Balicki, August 6, recommending the following on Contract No. P02-2160-C1A, with D'Allesandro Corporation, for Emergency Repairs to Low Pressure Water Line at Charles River Dam, Charlestown –
(a) That work be accepted as completed as of February 11, 2002.
(b) That Estimate No. 1 (Final), in the amount of $12,485.94, be approved for payment.
(c) That reserve, in the amount of $657.15, be approved for payment.
(Basis of Award - $11,699.00)
(Amount to Date - $13,351.09)
(Contract Performance Rating – 85 with 100 being excellent)
(EEO Compliance – 2.75)

The Commission V O T E D: that the work of D'Allesandro Corporation, Contractor under Contract No.P02-2160-C1A, be and hereby is accepted as completed, as of February 11, 2002.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $12,485.94, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $657.15, for payment.

1. Report of Messrs. Faucher, Misslin and Balicki, August 7, on bid for Replacement of Rink Bed Piping and Refrigeration Equipment, Allied Veterans Rink, Somerville, Contract No. P02-2176-C1A.
(Messrs. Faucher, Misslin and Balicki recommend acceptance of the only bid received, that of TAB Engineering, Inc., of $249,000.00).
The Commission V O T E D: to accept the only bid received, that of TAB Engineering, Inc., of $249,000.00

Action was taken upon the following matter relating to the Watershed Management Division:

2. Report of Messrs. McGinn and Kane, August 1, recommending the following on Contract No. WM02-062-X1A, with GZA GeoEnvironmental, Inc., for Sudbury Reservoir Dam – Spillway Inspection and Weephole Maintenance, Southborough –
(a) That work be accepted as completed as of June 15, 2002.
(b) That Estimate No. 2 (Final), in the amount of $1,470.00, be approved for payment.
(Basis of Award - $9,800.00)
(Amount to Date - $9,800.00)
(Contract Performance Rating 9.00 with 10.00 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of GZA GeoEnvironmental, Inc., Contractor under Contract No. WM02-062-X1A, be and hereby is accepted as completed as of June 15, 2002.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $1,470.00, for payment

Action was taken upon the following Various Matter:

3. Report of Mr. Jewett, August 12, on bid for Furnishing and Installing a Clivus Multrum unit on Peddocks Island.
(Mr. Jewett recommends acceptance of the only bid received, that of Clivus New England, Inc., of $27,300.00. In addition Clivus New England, Inc., will repair and improve units on Georges, Lovell's and Peddocks Island at a cost of $4,500.00, for a total lump sum contract cost of $31,800.00).
Time for Performance – approximately two months from Notice to Proceed
Funding from Account No. 2440-8889.
Mr. Jewett further requests permission to prepare the contract for Commission execution.
The Commission V O T E D: to accept the only bid received, that of Clivus New England, Inc., of $27,300.00, for Furnishing and Installing a Clivus Multrum unit on Peddocks Island. In

addition Clivus New England, Inc., will repair and improve units on Georges, Lovell's and Peddocks Island at a cost of $4,500.00, for a total lump sum contract cost of $31,800.00

Adjourned at 9:30 a.m., to meet on Thursday, August 22, 2002 at 9:00 a.m.

William F. Cush
Secretary

Record of the Four Thousand Forty First (4041st) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, August 22, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort and Rollins..

The Records of the Commission Meeting held on August 8, 2002, were read and approved.

The Secretary submitted for signature the following paper which was signed the Commissioner and three Associate Commissioners:

1. Contract No.P02-2176-C1A, dated August 22, 2002, with TAB Engineering, Inc., for Replacement of Rink Bed Piping and Refrigeration Equipment, Allied Veterans Rink, Somerville

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and McCalla, August 12, recommending approval of revisions in quantities on Contract No. P01-2094-C1A, with Vigil Electric Company, for Improvement of Street Lighting Systems on MDC Parkways for FY2001 -2002, as follows –

Item No. 003-010 – Pre-Cast Hand Hole -	$ 80.00
Item No. 005-010 – Lighting Cable #4 -	$386.10
Total -	$466.10

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 007-010 – Miscellaneous Labor).
The Commission V O T E D: Approved

3. Report of Messrs. Faucher, Carrigan and Machado, August 13, on bids for Resurfacing of MDC Parkways at Various Locations Throughout the Metropolitan District Commission Area, Contract No. P02-2177-C1A.
(Messrs Faucher, Carrigan and Machado, recommend acceptance of the lowest bid received, that of D & R General Contracting, Inc., of $3,052,405.00).
They further request execution of the Contract.
The Commission V O T E D: to accept the lowest bid received, that of D & R General Contracting, Inc., of $3,052,405.00.
The Secretary then submitted for signature Contract No. P02-2177-C1A, dated August 22, 2002, with D & R General Contracting, Inc., which was signed by the Commissioner and three Associate Commissioners.

4. Report of Messrs. Faucher, Carrigan and MacLean, August 13, recommending approval of revisions in quantities on Contract No. P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District, as follows –

Item No. 001-010 - Unclassified Excavation	$ 406.35
Item No. 004-010 – Loam Borrow	$ 355.00

Item No. 008-010 – Utility Box Adjusted	$ 150.00
Item No. 009-010 – Granite Edgestone (Removed & Discarded)	$ 3,410.00
Item No. 011-010 – Granite Edgestone – New (Straight)	$ 8,695.81
Item No. 014-010 – New Granite Corner Block	$ 220.00
Item No. 037-010 – Reflectorized Drum with Flasher	$ 549.50
Total -	$13,786.66

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 005-010, 010-010, 015-010, 016-010, 039-010 and 040-010).
The Commission V O T E D: Approved

1. Report of Messrs. Faucher, Carrigan and MacLean, August 14, recommending approval of a revision in quantities on Item No. 021-010 – Bituminous Concrete for Sidewalk, Patching, Small Parking Lots and Sport Courts – at a cost of $9,768.60, on Contract No.P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item Nos. 003-020 and 010-010).
The Commission V O T E D: Approved

2. Report of Messrs. Faucher, Carrigan and MacLean, August 14, recommending approval of Alteration No. 1 on Item No. 027-010 – Traffic Control Services – at a cost of $886.60, on Contract No.P00-2086-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District.
(At no increase in Contract cost as the Alteration will be offset by unused quantities in Item No. 039-010 – Fine Grading and Compacting Subgrade Areas).
The Commission V O T E D: to approve Alteration No. 1 on Item No. 027-010 - Traffic Control Services – at a cost of $886.60.

3. Report of Messrs. Faucher, Carrigan and MacLean, August 14, recommending approval of revisions in quantities on Contract No.P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System, as follows –

Item No. 001-010 Pavement Markings	$1,326.00
Item No. 033-010 Cement Concrete in Front of Edgestone	$ 242.00
Item No. 085-010 Wide-Angle Barrier Delineator for SS Guard Rail (Straight)	$ 99.50
Total -	$1,667.50

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 059-010 – Furnish and Install 6' High, Black Vinyl-Clad, Chain Link Fence).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Carrigan and MacLean, August 14, recommending approval of Extra Work Order No. 10 - for the installation of a guard rail impact attenuator – at a cost of $2,820.24, on Contract No.P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System.
(At no increase in Contract cost as Extra Work will be offset by unused quantities in Item No. 059-010 – Furnish and Install 6' High, Black Vinyl-Clad, Chain Link Fence).
The Commission V O T E D: to approve Extra Work Order No. 10, at a cost of $2,820.24

2. Report of Messrs. Faucher, Carrigan and MacLean, August 14, recommending approval of a revision in quantities on Item No. 003-010 – Cleaning Drainage Pipe – at a cost of $60.00, on Contract No. P01-2101-C3A, with Tasco Construction, Inc., for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission Area.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 005-010 – Traffic Control Services).
The Commission V O T E D: Approved

3. Report of Messrs. Faucher, Misslin and Martinez, August 9, requesting approval of a revision in quantities on Item No. 05500.2 – Installation of Galvanized Steel Deck – at a cost of $7,375.00, on Contract No. P02-2159-C1A, with J. D'Amico, Inc., for Miscellaneous Structural Repairs at Various MDC Pools.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 03300.0 – Reinforced Concrete).
The Commission V O T E D: Approved

4. Report of Messrs. Faucher, Galvin and DiPietro, August 14, recommending approval of a revision in quantities on Item No. 420.05 – Permanent Pavement in MDC Streets – at a cost of $621.00, on Contract No. P00-2022-C1A, with J. D'Amico, Inc., for Construction of Wastewater Discharge Systems Modifications at General Edwards Bridge, Brookwood Farm and Breakheart Reservation Headquarters.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 420.01 – Gravel Base Course in MDC Streets).
The Commission V O T E D: Approved

5. Report of Messrs. Faucher and Lenhardt, August 14, recommending approval of the request of the contractor to engage the services of Drew Electric as sub-contractor for electrical work – at a cost of $258,812.00, on Contract No. P78-0639-C1A, with SPS New England, Inc., for Remedial Repairs of Longfellow Bridge.
(At no additional Contract cost).
The Commission V O T E D: Approved

6. Report of Messrs. Faucher, DiPietro and Galvin, August 15, recommending approval of an extension of time from September 1, 2002 to October 1, 2002, on Contract No. P00-2022-C1C, with J. D'Amico, Inc., for Construction of Wastewater Discharge Systems Modifications, General Edwards Bridge, Brookwood Farm and Breakheart Administration Building.
(At no increase in Contract cost)

The Commission V O T E D: to approve an extension of time from September 1, 2002 to October 1, 2002, as recommended by Messrs. Faucher, DiPietro and Galvin in their report of August 15, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher and Kirwin and Mrs. Graves Jones, August 6, recommending that work be accepted as completed as of June 30, 2002, on Contract No. P00-2080-M1A, with Markings, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC.

(Basis of Award - $370,710.00)
(Amount to Date - $369,352.45)
(Contract Performance Rating – 4.71)
(EEO Compliance – 3.75)

The Commission V O T E D: that the work of Markings, Inc., Contractor under Contract No. P00-2080-M1A, be and hereby is accepted as completed

2. Report of Messrs. Faucher and Lenhardt, June 14, recommending approval of the following Extra Work Orders on Contract No.P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston –

Extra Work Order No. 13 Repairing curved angles to girder Nos. 3 and 9	**$18,584.00**
Extra Work Order No. 14 Replacing broken PVC electrical conduit with new steel conduit and cables to leaf No. 3 on both near and far sides	**$22,960.74**
Extra Work Order No. 16 Replace broken (4) PVC junction boxes to leaf No. 2 on both near and far sides	**$ 4,578.35**
Extra Work Order No. 17 Refurbishing the rotary cam limit switch box and replace span interlock switch to leaf No. 1 to both near and far sides	**$ 4,106.79**
Extra Work Order No. 18 Replace broken PVC conduit out to leaf No. 1 on the near and far sides	**$16,190.98**
Total	**$66,420.86**

Funding from Account No. 2490-0017.

The Commission V O T E D: to approve Extra Work Order No. 13, in the amount of $18,584.00.

The Commission further V O T E D: to approve Extra Work Order No. 14, in the amount of $22,960.74.

The Commission further V O T E D: to approve Extra Work Order No. 16, in the amount of $4,578.35.

The Commission further V O T E D: to approve Extra Work Order No. 17, in the amount of $4,106.79.

The Commission further V O T E D: to approve Extra Work Order No. 18, in the amount of $16,190.98.

1. Report of Messrs. Faucher and Soroka, August 15, recommending the following on Contract No.P99-1988-C1A, with MRP Site Development, Inc, for Traffic Safety Improvements, Santilli Circle, Everett –

(a) That work be accepted as completed as of April 30, 2002.

(b) That retainage, in the amount of $75,140.27, be credited to the MDC for cost of Licensed Site Professional Services and paid directly by the Developers Diversified Realty Corporation (DDRC) and the amount of $75,140.27 be refunded to (DDRC).

(Basis of Award - $3,230,088.50)
(Amount to Date - $3,656,589.78)*
(Contract Performance Rating – 3.50)
(EEO Compliance – 4.00)

- This contract was partially funded by DDRC.

The Commission V O T E D: that the work of MRP Site Development, Inc., Contractor under Contract No. P99-1988-C1A, be and hereby is accepted as completed as of April 30, 2002.
The Commission further V O T E D: that retainage, in the amount of $75,140.27, be credited to the MDC for cost of Licensed Site Professional Services and paid directly by the Developers Diversified Realty Corporation (DDRC) and the amount of 75,140.27 be refunded to (DDRC), as recommended by Messrs. Faucher and Soroka in their report of August 15, 2002.

2. Report of Messrs. Faucher, Lenhardt, Griffin and Mrs. O'Brien and Ms. Peterson, August 12, recommending approval of an extension of time from August 31, 2002 to October 30, 2002, due to delays in receiving new steel pipe rail and signage, on Contract No. PL93-023-C2A, with D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton.
(At no additional Contract cost).
The Commission V O T E D: to approve an extension of time from August 31, 2002 to October 30, 2002, as recommended by Messrs. Faucher, Lenhardt, Griffin and Mrs. O'Brien and Ms. Peterson, in their report of August 12, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher, Lenhardt and Griffin and Mrs.O'Brien and Ms. Peterson, August 16, recommending approval of a revision in quantities on Item No. 21 – Chain Link Fence Black Vinyl, 4 ft. High – at a cost of $2,790.00, on Contract No.PL93-023-C2A, with D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton.
Funding from Account No. 2420-8961.
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher, DiPietro and Galvin, August 15, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No.P00-2022-C3A, for Construction of Sewer connections at the Leo J. Martin Golf Course in Newton and Camp Nihan in Saugus.

Estimated Cost - $400,000.00.
Time for Performance – approximately four months.
Account Nos. 2440-4994., 2440-7994 and 2440-4421.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P00-2022-C3A, for Construction of Sewer connections at the Leo J. Martin Golf Course in Newton and Camp Nihan in Saugus.

1. Report of Messrs. Faucher, Carrigan and Machado, August 14, recommending approval of revisions in quantities on Contract No. P00-2085-C1A, with D & R General Contracting, Inc., for Resurfacing MDC Parkways at Various Locations Throughout the Metropolitan District, as follows –

Item No. 005-010 – CB & MH Rebuilt	$ 5,200.00
Item No. 008-010 – Bit.Conc., for small areas	$ 4,225.00
Item No. 020-010 – Traffic Loops	$ 3,025.00
Item No. 027-010 – Frames & Grates	$ 1,000.00
Item No. 046-010 – Fine Grading	$ 183.00
Total -	$13,633.33

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 042-010 – Bales of Hay for Erosion Control, 043-010 – Sedimentation Fence, 045-010 - Portable Changeable Message Board and 047-010 – Ready Mix Flowable Fill).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Caputo and MacLean, August 7, recommending the following on Contract No. P01-2101-C2A, with R. Zoppo Corporation, for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission Area –
(a) That work be accepted as completed as of June 7, 2002.
(b) That Estimate No. 4 (Final), in the amount of $50,279.26, be approved for payment.
(c) That reserve, in the amount of $9, 496.19, be approved for payment.
(Basis of Award - $136,300.00)
(Amount to Date - $189,923.54)
(Contract Performance Rating – 4.67)
(EEO Compliance – 3.50)
The Commission V O T E D: that the work of R. Zoppo Corporation, Contractor under Contract No. P01-2101-C2A, be and hereby is accepted as completed as of June 7, 2002.
The Commission further V O T E D: to approve Estimate No. 4 (Final), in the amount of $50,279.26, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $9,496.19, for payment

3. Report of Messrs. Faucher, McCalla and Morello, August 15, recommending the following on Contract No. P01-2094-C1A, with Vigil Electric Company, Inc., for Improvement of Street Lighting Systems at MDC Parkways and Roadways –
(a) That work be accepted as completed as of June 30, 2002.
(b) That Estimate No. 5 (Final), in the amount of $46,355.17, be approved for payment.

(c) That reserve, in the amount of $11,655.20, be approved for payment.
(Basis of Award - $245, 300.00)
(Amount to Date - $233, 104.10)
(Contract Performance Rating – 2.70)
(EEO Compliance – 3.16)

The Commission V O T E D: that the Work of Vigil Electric Company, Inc., Contractor, under Contract No.P01-2094-C1A, be and hereby is accepted as completed as of June 30, 2002.

The Commission further V O T E D: to approve Estimate No. 5 (Final), in the amount of $46,355.17, for payment.

The Commission further V O T E D: to approve release of reserve, in the amount of $11,655.20, for payment

1. Report of Messrs. Faucher, McCalla and Morello, August 14, recommending the following on Contract No. P00-2056-M1A, with F. M. Emergency Generator, Inc., for Maintenance of Prime Power and Emergency Generators at Various Locations – (Two year Contract).
(a) That work be accepted as completed as of June 30, 2002.
(b) That Estimate No. 19 (Final), in the amount of $5, 541.07, be approved for payment.
(c) That reserve, in the amount of $1,376.74, be approved for payment.
(Basis of Award - $83, 952.00)
(Amount to Date - $67, 734.20)
(Contract Performance Rating – 4.00)
(EEO Compliance – Not Available)

The Commission V O T E D: that the work of F. M. Emergency Generator, Inc., Contractor under Contract No. P00-2056-M1A, be and hereby is accepted as completed as of June 30, 2002.

The Commission further V O T E D: to approve Estimate No. 19 (Final), in the amount of $5,541.07, for payment.

The Commission further V O T E D: to approve release of reserve, in the amount of $1,376.74, for payment

2. Report of Messrs. Faucher, McCalla and Marrec, August 1, recommending the following on Contract No. P00-2057-M1A, with Coviello Electric and General Contracting Co., Inc., for Electric, Electronic and Sound System Maintenance at MDC Sports Facilities, Recreational Areas and MDC Buildings –
(a) That work be accepted as completed as of June 30, 2002.
(b) That Estimate No. 23 (Final), in the amount of $64, 659. 44, be approved for payment.
(c) That reserve, in the amount of $14, 787.52, be approved for payment.
(Basis of Award - $ 418, 800. 00)
(Amount to Date - $ 608, 361.80)
(Contract Performance Rating – 4.60)
(EEO Compliance - 3.60)

The Commission V O T E D: that the work of Coviello Electric and General Contracting Co., Inc., Contractor under Contract No.P00-2057-M1A, be and hereby is accepted as completed as of June 30, 2002.

The Commission further V O T E D: to approve Estimate No. 23 (Final), in the amount of $64,659.44, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $14,787.52, for payment.

1. Report of Messrs. Faucher, MacLean and Kelley, June 26, recommending the following on Contract No. P02- 2149-C1A, with N.E.L. Corporation, for Repair of Hole in Reinforced Concrete Deck Over Mystic River, Mystic Valley Parkway, Medford -
(a) That work be accepted as completed as of April 20, 2002.
(b) That Estimate No. 2 (Final), in the amount of $1,459.20, be approved for payment.
(c) That reserve, in the amount of $1,909.80, be approved for payment.
(Basis of Award - $32,580. 00)
(Amount to Date - $38, 196.00)
(Contract Performance Rating – 4.30)
(EEO Compliance – 3.40)
The Commission V O T E D: that the work of N.E.L. Corporation, Contractor under Contract No. P02-2149-C1A, be and hereby is accepted as completed as of April 20, 2002.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $1,459.20, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $1,909.80, for payment.

2. Report of Messrs. Faucher, Misslin, Martinez, Mehta, August 5, recommending the following on Contract No. P02-2159-C1A, with J. D'Amico, Inc., for Miscellaneous Structural Repairs at Various MDC Pools –
(a) That work be accepted as completed as of June 15, 2002.
(b) That reserve, in the amount of $6,583.50, be approved for payment.
(Basis of Award - $ 143, 370. 00)
(Amount to Date - $ 131, 670.00)
(Contract Performance Rating – 4.33)
(EEO Compliance - 3.60)
The Commission V O T E D: that the work of J. D'Amico, Inc., Contractor under Contract No.P02-2159-C1A, be and hereby is accepted as completed as of June 15, 2002.
The Commission further V O T E D: to approve release of reserve, in the amount of $6,583.50, for payment.

3. Report of Messrs. Faucher, Misslin, Kane and Mehta, August 2, recommending the following on Contract No. P01-2115-C1A, with T. Cooney Co., for Renovation of the Allston/Brighton Wading Pool.
(a) That work be accepted as completed as of May 10, 2002.
(b) That Estimate No. 5 (Final), in the amount of $3,040.25, be approved for payment.
(c) That reserve, in the amount of $9,267.82, be approved for payment.
(Basis of Award - $168, 867.81)
(Amount to Date - $ 185,356.37)
(Contract Performance Rating – 90 with 100 being excellent)

(EEO Compliance – 3.20)
The Commission V O T E D: that the work of T. Cooney Co., Contractor under Contract No.P01-2115-C1A, be and hereby is accepted as completed as of May 10, 2002.
The Commission further V O T E D: to approve Estimate No. 5 (Final), in the amount of $3,040.25, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $9,267.82, for payment.

1. Report of Messrs. Faucher, Balicki, and Mehta, August 1, recommending the following on Contract No. P02-2155-C1A, with Prime Coatings, Inc., for Water Blast, Patches, Caulk and Paint for Swimming Pools at Various Locations –
(a) That work be accepted as completed as of June 30, 2002.
(b) That Estimate No. 3 (Final), in the amount of $2,010.15, be approved for payment.
(c) That reserve, in the amount of $8,378.83, be approved for payment.
(Basis of Award - $185,664.80)
(Amount to Date - $167,576. 45)
(Contract Performance Rating – 2.50)
(EEO Compliance – 4.00)
The Commission V O T E D: that the work of Prime Coatings, Inc., Contractor under Contract No. P02-2155-C1A, be and hereby is accepted as completed as of June 30, 2002.
The Commission further V O T E D: to approve Estimate No. 3 (Final), in the amount of $2,010.15, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $8,378.83, for payment.

2. Report of Messrs. Faucher, Misslin, Haider, Marrec, August 5, recommending the following on Contract No. P00-2061-M1A, with Eagle Elevator Co., Inc., for Maintenance of Elevators at Various MDC Facilities within the Metropolitan Park System –
(a) That work be accepted as completed as of June 30, 2002.
(b) That Estimate No. 8 (Final), in the amount of $4,660.98, be approved for payment.
(c) That reserve, in the amount of $2,411.98, be approved for payment.
(Basis of Award - $50, 382.80)
(Amount to Date - $48, 239.63)
(Contract Performance Rating – 99 with 100 being excellent)
(EEO Compliance - 3.80)
The Commission V O T E D: that the work of Eagle Elevator Co., Inc., Contractor under Contract No.P00-2061-M1A, be and hereby is accepted as completed as of June 30, 2002.
The Commission further V O T E D: to approve Estimate No. 8 (Final), in the amount of $4,660.98, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $2,411.98, for payment.

3. Report of Messrs. Faucher, Misslin, Haider, Marrec, August 5, recommending the following on Contract No. P00-2061-M1A, with Eagle Elevator Co., Inc., for Maintenance of Elevators at Various MDC Facilities within the Metropolitan Park System –

(a) That work be accepted as completed as of June 30, 2002.
(b) That Estimate No. 8 (Final), in the amount of $4,660.98, be approved for payment.
(c) That reserve, in the amount of $2,411.98, be approved for payment.
(Basis of Award - $50, 382.80)
(Amount to Date - $48, 239.63)
(Contract Performance Rating – 99 with 100 being excellent)
(EEO Compliance - 3.80)

The Commission V O T E D: that the work of Eagle Elevator Co., Inc., Contractor under Contract No.P00-2061-M1A, be and hereby is accepted as completed as of June 30, 2002.

The Commission further V O T E D: to approve Estimate No. 8 (Final), in the amount of $4,660.98, for payment.

The Commission further V O T E D: to approve release of reserve, in the amount of $2,411.98, for payment.

1. Report of Messrs. Faucher, Misslin and Balicki, August 16, on bid for Maintenance of Refrigeration Systems, all Metropolitan District Commission Ice Rinks, Contract No. P02-2172-M2A.
(Messrs. Faucher, Misslin and Balicki recommend acceptance of the only bid received, that of Refrigeration Engineering & Contracting Company, Inc., of $618,585.00)
They further request execution of the Contract by the Commission.
Time for Performance – twenty two months from Notice to Proceed.
Funding from Account Nos. 2440-7992 for FY2003 through FY2004.
The Commission V O T E D: to accept the only bid received, that of Refrigeration Engineering & Contracting Company, Inc., of $618,585.00.
The Secretary then submitted for signature Contract No. P02-2172-M2A, dated August 22, 2002, with Refrigeration Engineering & Contracting Company, Inc., which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the follwing matters relating to the Watershed Management Division:

2. Report of Messrs. McGinn and Baratta, July 19, requesting approval of an extension of time from July 31, 2002 to January 1, 2003, on Contract No. WM98-061-C1A (97-4W) with J. A. Polito and Sons, Inc., for West Boylston – Bunker Hill/Meadowbrook East – Phase II, due to need to complete final contract clean up items and resolve several outstanding issues.
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from July 31, 2002 to January 1, 2003, as requested by Messrs. McGinn and Baratta in their report of August 22, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation

3. Report of Messrs. McGinn and Baratta, August 20, requesting the following on Contract No. WM00-061-C1W (2000-1W), with Albanese Brothers for Final Phase Sewer Project in the Town of West Boylston –

1. Partially rescind its vote of June 6, 2002, by reducing the level of effort from $494,985.00 plus an allowance of $100,000.00 for bypass piping to a maximum of $150,000.00 for water service replacements as included in the Division of Work Agreement.

2. Execute the Division of Work Agreement between the West Boylston Water District and the MDC.

3. Approve Revision in Quantities No. 2 – an increase in Item 10 (f) – control density fill, from 1,937 cy to 3,000 cy – at a cost of $42,520.00. and

4. Provide for an allowance of $207,480.00 for future extra work orders and increases in quantity, subject to approval of the Commission.

The Commission V O T E D: to partially rescind its vote of June 6, 2002, by reducing the level of effort from $494,985.00 plus an allowance of $100,000.00 for bypass piping to a maximum of $150,000.00 for water service replacements as included in the Division of Work Agreement.
The Commission further V O T E D: to authorize Commissioner Balfour to execute on behalf the Commission, the Division of Work Agreement, dated August 22, 2002, between the West Boylston Water District and the MDC.
The Commission further V O T E D: to approve Revision in Quantities No. 2 – an increase in Item 10 (f) – control density fill, from 1,937 cy to 3,000 cy – at a cost of $42,520.00.
The Commission further V O T E D: to provide for an allowance of $207,480.00 for future extra work orders and increases in quantity, subject to approval of the Commission.

Action was taken upon the following matters relating to the Office of General Counsel:

1. Report of Ms. Murphy, August 16, recommending that the Commission approve a Confirmatory Grant of Easement to A & L Realty Trust/Hayes Family Limited Partnership to use property near Granite Avenue, Dorchester, for parking purposes, consistent with the terms of the easement.
Further, that the Commission authorize Commissioner Balfour to execute the Confirmatory Grant of Easement on behalf of the Commission.
The Commission V O T E D: to approve a Confirmatory Grant of Easement to A & L Realty Trust/Hayes Family Limited Partnership to use property near Granite Avenue, Dorchester, for parking purposes, consistent with the terms of the easement.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Confirmatory Grant of Easement on behalf of the Commission

2. Report of Ms. Murphy, August 16, recommending that the Commission approve and execute a license to A & L Realty Trust/Hayes Family Limited Partnership to use property near Granite Avenue, Dorchester, for parking on the license area, consistent with the terms of the license agreement.
The Commission V O T E D: Approved.
The Secretary then submitted for signature license, dated August 22, 2002, to A & L Realty

Trust/Hayes Family Limited Partnership, which was signed by the Commissioner and three Associate Commissioners.

1. Report of Messrs. Gray and Hart, August 12, recommending the following on Consultant Contract No.2000138, with Andrysick Land Surveying, an office of Acton Survey & Engineering, Inc., for Professional Land Surveying Services for Watershed Lands Acquisition Program –
(a) That work be accepted as completed as of August 8, 2002.
(b) That Invoice No. 1 (Final), in the sum of $7,500.00, be approved for payment.
(Basis of Award - $7,500.00)
(Amount to Date - $7,500.00)
(Contract Performance Rating – 8.5 with 10.0 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of with Andrysick Land Surveying, an office of Acton Survey & Engineering, Inc., Consultant under Contract No. 2000138, be and hereby is accepted as completed as of August 8, 2002.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the sum of $7,500.00, for payment

Action was taken upon the following Various Matter:

2. Report of Mrs. Overton Bussell and Mr. Murphy, August 15, requesting approval of a Stage II Certification Program which will utilize a statewide Master Service Agreement to certify all MDC gasoline dispensing sites annually. Under the program the MDC will solicit bids from at least three qualified contractors.
Compensation – not-to-exceed $20,000.00.
Time for Performance – three years, with two optional one-year extensions.
Funding from Account No. 2490-0010.
The Commission V O T E D: Approved as requested by Mrs. Overton Bussell and Mr. Murphy in their report of August 15, 2002

Adjourned at 9:50 a.m., to meet on Thursday, September 5, 2002 at 9:00 a.m.

William T.
Secretary

Record of the Four Thousand Forty Second (4042nd) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, September 5, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on August 15, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Carrigan and MacLean, August 28, on bids for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District, Contract No. P02-2179-C1A.
(Messrs. Faucher, Carrigan and MacLean recommend acceptance of the lowest bid received, that of D & R General Contracting, Inc., of $1,496,677.51).
They further request the Commission execute the Contract.
The Commission V O T E D: to accept the lowest bid received, that of D & R General Contracting, Inc., of $1,496,677.51.
The Secretary then submitted for signature Contract No. P02-2179-C1A, dated September 5, 2002, with D & R General Contracting, Inc., which was signed by the Commissioner and four Associate Commissioners.

2. Report of Messrs. Faucher, Griffin and Gode-von Aesch, September 3, recommending approval of Extra Work Order No. 1 – for installation of deck joints in the Embankment Road Pedestrian Overpass – at a cost of $1,194.18, on Contract No. P02-2156-C1A, with Prime Coatings, Inc., for Charles River Basin Pedestrian Overpass Painting.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 6C, Bituminous Concrete Paving).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $1,194.18.

3. Report of Messrs. Faucher and Lenhardt, August 29, recommending approval of the request of the contractor to engage the services of Atlantic Bridge and Engineering as sub-contractor – for steel work – at a cost of $799,480.00, on Contract No. P78-0639-C1A, with SPS New England, Inc., for Remedial Repairs of Longfellow Bridge.
(At no additional Contract cost).
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher, Misslin and Balicki, August 29, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P03-2181-C1A, for Heating and Air Conditioning for Visitors Center and Maintenance Garage, Breakheart Reservation, Saugus.
Estimated Cost - $67,425.00
Time for Performance – approximately six weeks.

Funding from Account No. 2440-7991 – contingent upon sufficient funds being made available through the annual budgetary appropriation process.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P03-2181-C1A, for Heating and Air Conditioning for Visitors Center and Maintenance Garage, Breakheart Reservation, Saugus.

1. Report of Messrs. Faucher, DiPietro and Galvin, August 23, recommending approval of the following revisions in quantities on Contract No. P00-2022-C1C, with J. D'Amico, Inc., for Construction of Wastewater Discharge Systems Modifications at General Edwards Bridge, Brookwood Farm and Breakheart Reservation Headquarters –

Item No. 201.7	$2,650.00
Installation of Interior Septic Holding Tank	
Item No. 851	$ 600.00
Traffic Controls for Construction and Maintenance Services	
	Total - $3,250.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 250.08 – 8 inch PVC Sanitary Sewer Pipe and 775 – Six 4 inch Diameter Deciduous Trees).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and DiPietro, August 23, requesting approval of Amendment No. 4 for an extension of time from October 31, 2002 to October 31, 2005, on Contract No. P94-1712-D1E, with Metcalf and Eddy, for Georges Island Seawall Restoration.
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Watershed Management Division:

3. Report of Messrs. McGinn and O'Connor, August 23, recommending approval of the request of the contractor to engage the services of P. J. Keating Company, as sub-contractor for bituminous concrete and curb – at a cost of $21,367.50, on Contract No. WM94-003-C1A, with Tasco Construction, Inc., for Remedial Repairs/Improvements for Public Safety Considerations, Beaman Street Bridge, West Boylston.
(At no increase in Contract cost).
The Commission V O T E D: Approved

Adjourned at 9:35 a.m., to meet on Thursday, September 12, 2002 at 9:00 a.m.

William F.
Secretary

Record of the Four Thousand Forty Third (4043rd) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, September 19, 2002.

Present, Commissioner Balfour and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on August 22, 2002, were read and approved.

The Secretary submitted for signature the following paper which was signed the Commissioner and three Associate Commissioners:

1. Contract Agreement No. PL01-074-D1A, dated September 19, 2002, with Camp Dresser & McKee, Inc., for T and Schlager Design and Comprehensive Site Assessment, Dorchester.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher, Misslin and Gabra, September 3, on bids for Rehabilitation of Flood Control Pump Charles River Dam, Charlestown, Contract No. P02-2175-M1A.
(Messrs. Faucher, Misslin and Gabra recommend acceptance of the bid of D & C Construction Co., Inc., of $208,000.00).
The low bidder on this project, All Star Construction Co., Inc., altered the fixed value of the allowance from $144,000.00 to $192,000.00 and therefore, Messrs. Faucher, Misslin and Gabra recommend that All Star Construction Co. Inc.'s bid be rejected.
The Commission V O T E D: to accept the bid of D & C Construction Co., Inc., of $208,000.00, as recommended by Messrs. Faucher, Misslin and Gabra in their report of September 3, 2002

3. Report of Messrs. Faucher, Carrigan and MacLean, August 30, recommending approval of the following revisions in quantities on Contract No. P00-2087-C1A, with D'Allessandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System –

Item No. 016-010 Steel Bollards	$ 800.00
Item No. 022-010 Reset Double Leaf Swivel Post	$1,000.00
Item No. 023-010 Remove and Reset Single Leaf Closure Gate	$1,575.00
Item No. 025-010 Closure Gate, Repair or Alteration	$2,796.00
Item No. 037-010 Terminal End Section	$1,184.40
Item No. 097-010 Removable Steel Bollards	$ 630.00
	Total - $7,985.40

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 059-010 – Furnish and Install 6' High Black, Vinyl-Clad, Chain Link Fence).
The Commission V O T E D: Approved

1. Report of Messrs. Faucher, DiPietro and Galvin, August 29, requesting that the Commission amend its vote of August 22, 2002, on Contract No. P00-2022-C3A, for Construction of Sewer Connections at Leo J. Martin Golf Course in Newton and Camp Nihan in Saugus, by increasing the project amount from $400,000.00 to $460,000.00.
Funding from Account Nos. 2440-7994 and 2440-4421.
The Commission V O T E D: to amend its vote of August 22, 2002, on Contract No. P00-2022-C3A, for Construction of Sewer Connections at Leo J. Martin Golf Course in Newton and Camp Nihan in Saugus, by increasing the project amount from $400,000.00 to $460,000.00

2. Report of Messrs. Faucher, Griffin and Gode-von Aesch, September 10, recommending approval of a revision in quantities on Item No. 2 – Miscellaneous Steel Repairs – at a cost of $972.30, on Contract No. P02-2156-C1A, with Prime Coatings, Inc., for Charles River Basin Pedestrian Overpass Painting.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 6C, Bituminous Concrete Pavement.
The Commission V O T E D: Approved

3. Report of Messrs. Faucher, Lenhardt, Griffin and Ms. Peterson, September 9, recommending approval of Amendment No. 5 – for an increase in the upset limit by $18,200.00 – to fund additional engineering services for Beades Bridge, on Contract No. P99-1986-D1A, with Gannett Fleming, Inc., for Professional Engineering Services for Bridges, Parkways and other Commission Facilities.
Funding from Account No. 2440-9990.
The Commission V O T E D: Approved

4. Report of Messrs. Faucher and Lenhardt, September 9, recommending approval of a revision in quantities on Item No. 042-013 – Intermediate Shaft Replacement (B5) – at a cost of $20,000.00, on Contract No. P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge.
(At no increase in Contract cost s the revision will be offset by unused quantities in Item Nos. 042-011 – Intermediate Shaft Replacement (B3) and 042-012 – Intermediate Shaft Replacement (B4).
The Commission V O T E D: Approved

5. Report of Messrs. Faucher and Orfant, September 12, submitting for approval Project Justification and requesting permission to advertise Project No. P02-2162-C1A,
for Historic Parkways Initiative: Memorial Drive Demonstration Project, Phase 1.
Estimated Cost - $5,850,000.00.
Time for Performance – eighteen months.
Funding is available in Account No. **2448-0052 - $850,000.00** (through MIT and
NSTAR contributions to the Parks
Trust Fund)

Account No. **2490-0017 - $5,000.000.00**
The Commission V O T E D: Approved.
The Commission further V O T E D: permission to advertise Project No. P02-2162-C1A, for Historic Parkways Initiative: Memorial Drive Demonstration Project, Phase 1.

Action was taken upon the following Various Matter:

1. Report of Messrs. Chisholm and Jewett, September 12, recommending approval of the request of the Head of the Charles Regatta, Inc., (HOCR), for renewal of their Permit Agreement for 2003 through 2007.
The Permit Agreement will be prepared by the Secretary, Contract Administrator and the General Counsel
The Commission V O T E D: Approved

Action was taken upon the following matters relating to the Watershed Management Division:

2. Report of Messrs. McGinn and Clifford, September 12, on bids for Plumbing Work – Sanitary Facilities Addition – Stillwater Farm Interpretive Center, Contract No. WM03-002-M1A. (Messrs. McGinn and Clifford request acceptance of the lowest bid received, that of Garabedian Plumbing & Heating, Inc., for the lump sum of $9,748.00).
The Commission V O T E D: to accept lowest bid received, that of Garabedian Plumbing & Heating, Inc., for the lump sum of $9,748.00

3. Report of Messrs. McGinn and Baratta, May 22, requesting approval of the following on Contract No. WM97-061-C1H [97-1H], with Albanese Brothers, Inc., for Fort Sumter/Center/Davis Hill – West Sewers – Holden -

Revision in Quantity #4 Due to normal variations encountered in the field and necessary for sewer construction.		**$16,900.50**
Extra Work Claim #2 Raise manhole structures and water gates to final pavement grade on streets receiving binder course as finish pavement.	(on a unit cost basis)	**$39,972.50**
Extra Work Claim #3 Extend water services to the edge of easement for the Dorothy Avenue, Heather Circle, Quinapoxit Street and Sunnyside Avenue pumping stations.	(on a time and materials basis)	**$ 8,196.91**
Extra Work Claim #4 Provide temporary water main bypass for approximately a 30-day Period for the Providence & Worcester railroad jacking at Sunnyside Avenue.		**$75,101.87**

Total Cost of Revision in Quantity #4 and Extra Work Claims 2, 3 and 4 = **$140,171.78**
Funds are available in Account No. 2422-1443.
Messrs. McGinn and Baratta request approval to increase the upset limit of the Contract from $6,034,270.20 to $6,174,441.98.
They further request approval of an extension of time from September 30, 2002 to July

12, 2003, necessary to allow recently paved roadways to settle over the winter freeze and thaw cycle.
The Commission VOTED: to approve Revision in Quantity #4, in the amount of $16,900.50.
The Commission further VOTED: to approve Extra Work Claim #2, in the amount of $39,972.50.
The Commission further VOTED: to approve Extra Work Claim #3, in the amount of $8,196.91.
The Commission further VOTED: to approve Extra Work Claim #4, in the amount of $75,101.87.
The Commission further VOTED: to approve an increase to the upset limit of the Contract from $6,034,270.20 to $6,174,441.98.
The Commission further VOTED: to approve an extension of time from September 30, 2002 to July 12, 2003, as requested by Messrs. McGinn and Baratta in their report of May 22, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. McGinn and Clifford, August 8, on bids for electrical work – Sanitary Facilities Addition – Stillwater Farm Interpretive Site, Contract No. WM03-001-M1A. (Messrs. McGinn and Clifford request acceptance of the lowest bid received, that of Lipinski & Sons, of $8,670.00).
The Commission VOTED: to accept the lowest bid received, that of Lipinski & Sons, of $8,670.00.

Adjourned at 9:35 a.m., to meet on Thursday, September 26, 2002 at 9:00 a.m.

William
Secretary

Record of the Four Thousand Forty Third (4044th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, September 26, 2002.

Present, Commissioner Balfour and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on September 5, 2002, were read and approved.

The Secretary submitted for signature the following paper which was signed the Commissioner and three Associate Commissioners:

1. Contract No. P02-2175-M1A, dated September 26, 2002, with D & Construction Co., Inc., for Rehabilitation of Flood Control Pumps, Charles River Dam, Charlestown.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher, Misslin and Sodano, August 5, requesting approval of the action of Deputy Commissioner Faucher resulting in a revision in quantities on Item No. 02700-04 – Reinforced Concrete Pipe – at a cost of $2,950.00, on Contract No. PL95-031-C1A, with Fleming Brothers, Inc., for Construction of Abigail Adams Park, Back River Reservation, Weymouth.
Funding is available in Account No. 2440-7958.
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in a revision in quantities on Contract No. PL95-031-C1A.
The Commission further V O T E D: to approve revision in quantities on Item No. 02700-04 – Reinforced Concrete Pipe, at a cost of $2,950.00

3. Report of Messrs. Faucher and Thurlow, September 12, requesting approval to engage the services of Greenscape Land Design, Inc., as sub-contractor, for Extra Work Order No. 1 – installation of an irrigation system at the new Jerry Jingle Park in Stoneham – at a cost of $9,500.00, on Contract No. P92-1628-C9A, with Northern Tree Service, Inc., for Parkway Landscape Improvements.
Funding from Account No. 2490-8910.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $9,500.00

4. Report of Messrs. Faucher, Carrigan and Machado, September 19, recommending a reduction in quantities on Item No. 036-010 – Seal Bit. Conc. crack –on Contract No. P02-2177-C1A, with D & R General Contracting, Inc., for Resurfacing MDC Parkways at Various Locations Throughout the Metropolitan District.
(At no change in Contract cost).
The Commission V O T E D: Approved

5. Report of Messrs. Faucher, Griffin and Gode-von Aesch, September 19, recommending approval of Extra Work Order No. 2 – for installation of trench drain gratings in the

Embankment Road Pedestrian Overpass, at a cost of $5,849.67, on Contract No. P02-2156-C1A, with Prime Coatings, Inc., for Charles River Pedestrian Overpass Painting.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 10 – Traffic Control Services).
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $5,849.67

1. Report of Messrs. Faucher and Sodano, September 18, recommending that work be accepted as completed as of May 3, 2002, on Contract No. P02-2148-C1A, with G.V.W., Inc., for Window Replacement at Charles River Dam Facility.
Basis of Award - $76,000.00
Amount to Date - $79,000.00
Contract Performance Rating – 85 with 100 being excellent.
EEO Compliance – 3.80
The Commission V O T E D: that the work of G.V.W., Inc., Contractor under Contract No. P02-2148-C1A, be and hereby is accepted as completed as of May 3, 2002

2. Report of Messrs. Faucher, DiPietro and Galvin, September 23, recommending approval of an extension of time from October 1, 2002 to November 1, 2002, on Contract No.P00-2022-C1C, with J. D'Amico, Inc., for Construction of Wastewater Discharge Systems Modifications, General Edwards Bridge, Brookwood Farm and Breakheart Administration Building, due to need to complete work at General Edwards Bridge.
(At no additional Contract cost).
The Commission V O T E D: to approve an extension of time from October 1, 2002 to November 1, 2002, as recommended by Messrs. Faucher, DiPietro and Galvin, in their report of September 23, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation

3. Report of Messrs. Faucher, Carrigan and MacLean, September 17, recommending approval of revisions in quantities on Contract No. P00-2087-C1A, with D'Allesandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System, as follows –

Item No. 009-010 Installation of Single Leaf Closure Gates	$7.800.00
Item No. 023-010 Remove, Transport and Reset Single Leaf Closure Gates Installation	$1,575.00
Item No. 055-010 Furnish, Install, Repair or Replace Black Vinyl Clad Chain Link Fence 4 ft. to 4 ft. 6 inches High.	$2,493.00
Total -	$11,868.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 010-010 – Installation of Double Leaf Closure Gates).
The Commission V O T E D: Approved

Meeting of Oct. 17, 2002
Commission
VOTED: to
allow an increase
in project cost
fr $60,481.21 to
$82,481.21 for
additional decking
to the rear
of building

1. Report of Messrs. Faucher, Misslin and Kane, September 6, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P02-2138-C3A, for Construction of the Deck and HC Ramp Footings, Insulation, Wallboard/Plastering and Painting at the Visitor's Center, Breakheart Reservation, Saugus.
Estimated Cost - $60,481.21.
Time for Performance – two months.
Account No. 2440-7991.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P02-2138-C3A, for Construction of the Deck and HC Ramp Footings, Insulation, Wallboard/Plastering and Painting at the Visitor's Center, Breakheart Reservation, Saugus.

2. Report of Messrs. Faucher, Misslin and Balicki, September 12, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P03-2188-C1A, for Floor Drains, Blue Hills Maintenance, Blue Hills Reservation, Milton/Canton.
Estimated Cost - $14,500.00.
Time for Performance – four weeks.
Account No. 2440-4994.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P03-2188-C1A, for Floor Drains, Blue Hills Maintenance, Blue Hills Reservation, Milton/Canton.
Associate Commissioner Elkort did not participate in discussion or vote on this matter

3. Report of Messrs. Faucher, Misslin and Balicki, September 12, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to solicit proposals for Project No. P03-2187-C1A, for Floor Drains, Miscellaneous Projects, at Four MDC Locations.
Estimated Cost – SWCP Yard, Roxbury - $9,800.00
Recon. Building, Stoneham - $9,000.00
Ponkapoag Golf Course, Canton - $10,000.00 and
Martin Golf Course, Newton - $9,400.00 –
Total of $38,200.00.
Estimated Time for Performance – Six weeks.
Account No. 2440-4994.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to solicit proposals for Project No. P03-2187-C1A, for Floor Drains, Miscellaneous Projects, at Four MDC Locations.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

Action was taken upon the following matters relating to the Watershed Management Division:

4. Report of Messrs. Pula and McGinn, September 11, requesting that the Commission rescind the vote of January 5, 1995 conveying NE ½ of Quabbin Park Cemetery Lot No. 1123 to Thomas F. Kology and approve and execute Quabbin Park Cemetery Deed conveying Lot A-22 to

Thomas F. Kology and apply the $300.00 cost of NE ½ of Lot No. 1123 to cost of Lot No. A-22.
The Commission V O T E D: to rescind the vote of January 5, 1995 conveying NE ½ of Quabbin Park Cemetery Lot No. 1123 to Thomas F. Kology.
The Commission further V O T E D: to approve Quabbin Park Cemetery Deed conveying Lot A-22 to Thomas F. Kology and apply the $300.00 cost of NE ½ of Lot No. 1123 to cost of Lot No. A-22.
The Secretary then submitted for signature Quabbin Park Cemetery Deed, dated September 26, 2002, conveying Lot A-22 to Thomas F. Kology, which was signed by the Commissioner and two Associate Commissioners.

1. Report of Messrs. McGinn and Baratta, September 4, requesting approval of an extension of time from September 30, 2002 to September 30, 2003, on Contract No. WM97-061-D4A, with Parson Brinckerhoff Quade and Douglas, for West Boylston Sewer Construction Inspection. (At no increase in Contract cost).
The Commission V O T E D: Approved

2. Report of Messrs. McGinn and Pula, September 19, on proposals for the purchase of forest products located on the Ware River and Quabbin Reservoir Watersheds.
(Messrs. McGinn and Pula recommend:
Timber Lot No. 1008 - Quabbin Reservoir Watershed in the Town of Ware, containing approximately 55,381 board feet of timber and 194 cords of fuelwood cords of pulp. Acceptance of the highest qualified bidder, that of Specialty Timber, 61 Beech Street, Palmer, MA 01069 of $8,010.00. The MDC Forester estimated the lowest acceptable bid for this lot to be 8,000.00.
Timber Lot No. 1009 - Quabbin Reservoir Watershed in the Town of Hardwick, containing approximately 222,539 board feet of timber, 349 cords of fuelwood and 137 cords of pulp. Rejection of the only bidder, that of RE-GEN L.L.C., P.O. Box 929, Eastford, CT 06242 of $16,200.00 because the MDC Forester estimated the lowest acceptable bid for this lot to be $21,000.00.
Timber Lot No. 2010 - Quabbin Reservoir Watershed in the Town of Pelham, containing approximately board feet of timber and cords of fuelwood cords of pulp. Acceptance of the highest qualified bidder, that of Liberty Blues Landscaping, 75 So. Liberty Street, Belchertown, MA 01007 of $311.86. The MDC Forester estimated the lowest acceptable bid for this lot to be $300.00.
Timber Lot No. 2011 - Quabbin Reservoir Watershed in the Town of Pelham, containing approximately 172,549 board feet of timber, 120 cords of fuelwood and 76 cords of pulp. Acceptance of the highest qualified bidder, that of HHP Inc., P.O. Box 489, Henniker, NH 03242 of $14,655.35. The MDC Forester estimated the lowest acceptable bid for this lot to be $7,500.00.
Timber Lot No. 3042 - Quabbin Reservoir Watershed in the Town of Petersham, containing approximately 318,808 board feet of timber, 33 cords of fuelwood and 355 cords of pulp. Acceptance of the highest qualified bidder, that of John Conkey & Sons Logging, 621 Daniel Shays Highway, Belchertown, MA 01007 of $47,145.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $32,000.00.

Timber Lot No. 3044 - Quabbin Reservoir Watershed in the Town of New Salem, containing approximately 121,822 board feet of timber, 114 cords of fuelwood and 84 cords of pulp. Acceptance of the highest qualified bidder, that of Conkey Logging & Lumber, 94 Old North Dana Road, New Salem, MA 01355 of $16,002.50. The MDC Forester estimated the lowest acceptable bid for this lot to be $13,000.00.
Timber Lot No. 3047 - Quabbin Reservoir Watershed in the Town of New Salem, containing approximately 9,090 board feet of timber and 147 cords of fuelwood cords of pulp. Acceptance of the highest qualified bidder, that of Stange, Mike, 657 White Pond Road, Athol, MA 01331 of $1,710.89. The MDC Forester estimated the lowest acceptable bid for this lot to be $1,500.00.
Timber Lot No. 4309a - Ware River Watershed in the Town of Rutland, containing approximately 139,391 board feet of timber, 189 cords of fuelwood and 61 cords of pulp. Acceptance of the highest qualified bidder, that of Petersham Forest Products, 297 East Street, Petersham, MA 01366 of $6,500.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $6,000.00.
Timber Lot No. 4315 - Ware River Watershed in the Town of Oakham, containing approximately 107,125 board feet of timber, 34 cords of fuelwood and 42 cords of pulp. Acceptance of the highest qualified bidder, that of Petersham Forest Products, 297 East Street, Petersham, MA 01366 of $13,803.29. The MDC Forester estimated the lowest acceptable bid for this lot to be $9,000.00.
Timber Lot No. R11NQ - Quabbin Reservoir Watershed in the Town of New Salem, containing approximately 27,085 board feet of timber and cords of fuelwood cords of pulp. Acceptance of the highest qualified bidder, that of Heyes Forest Products, 34 Daniel Shays Highway, Orange, MA 01364 of $4,606.56. The MDC Forester estimated the lowest acceptable bid for this lot to be $4,000.00).
The Commission V O T E D: Approved as recommended by Messrs. McGinn and Pula in their report of September 19, 2002.

1. Report of Messrs. McGinn and Clifford, September 23, requesting approval of an extension of time from July 1, 2002 to April 7, 2003, on Contract No. WM02-032-D1A, with Ducharme & Wheeler, Inc., for Stillwater Farm Restoration Project.
(At no increase in Contract cost).
The Commission V O T E D: Approved

Action was taking upon the following matters relating to the Office of General Counsel:

2. Report of Ms. Murphy, September 19, recommending that the Commission approve the five year license agreement by and between the Metropolitan District Commission and ProStar AAA Select Hockey Camp, Inc., which enables ProStar AAA Select Hockey Camp, Inc. to enter upon and use the Ulin Memorial Rink located at 111 Unquity Road in the Town of Milton, for purposes of operating a summer youth hockey camp designed to develop skills to a professional level, and open for select youths on an invitation-only basis, subject to the terms and conditions of this Agreement.
Ms. Murphy further recommends authorization for Commissioner Balfour to sign this license agreement on behalf of the Commission.

The Commission V O T E D: to approve the five year license agreement by and between the Metropolitan District Commission and ProStar AAA Select Hockey Camp, Inc., which enables ProStar AAA Select Hockey Camp, Inc. to enter upon and use the Ulin Memorial Rink located at 111 Unquity Road in the Town of Milton, for purposes of operating a summer youth hockey camp designed to develop skills to a professional level, and open for select youths on an invitation-only basis, subject to the terms and conditions of this Agreement.
Ms. Murphy further recommends authorization for Commissioner Balfour to sign this license agreement on behalf of the Commission.
The Commission further V O T E D: authorization for Commissioner Balfour to sign this license agreement on behalf of the Commission.

1. Report of Mr. Gray, September 23, recommending that the Commission approve the extension of the existing Permit Agreement by and between the Metropolitan District Commission and the Boston Duck Tours, Limited Partnership, with an effective date of November 30, 1998, for an additional term of five years, up to and including November 30, 2008, in accordance with and subject to the terms and provisions of the Permit Agreement, as amended.
The Commission V O T E D: to approve the extension of the existing Permit Agreement by and between the Metropolitan District Commission and the Boston Duck Tours, Limited Partnership, with an effective date of November 30, 1998, for an additional term of five years, up to and including November 30, 2008, in accordance with and subject to the terms and provisions of the Permit Agreement, as amended

Action was taken upon the following Various Matters:

2. Report of Mrs. O'Brien and Mr. Corsi, September 20, requesting approval and execution of Amendment No. 6, for an extension of time from September 30, 2002 to September 30, 2005, on Contract No. PL92-007-S1E, with Goody, Clancy & Associates, Inc., for Charles River Basin Master Plan.
(At no increase in Contract cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 6, dated September 26, 2002, on Contract No. PL92-007-S1E, with Goody, Clancy & Associates, Inc., which was signed by the Commissioner and three Associate Commissioners

3. Report of Mrs. O'Brien and Mr. Corsi, September 20, requesting approval and execution of Amendment No. 5, for an extension of time from September 30, 2002 to September 30, 2003, on Contract No. PL99-059-D1E, with Mills Whitaker LLC, for Restoration of Historic Landings, Charles River Esplanade, Boston.
(At no increase in Contract cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 5, dated September 26, 2002, on Contract No. PL99-059-D1E, with Mills Whitaker LLC, which was signed by the Commissioner and three Associate Commissioners.

1. Report of Mr. Jewett, September 25, on behalf of a Consultant Selection Committee requesting selection of Nextest, for Stage II Certification at Agency Fuel Sites.
Compensation – for the three year service with costs ranging from $6,000.00 to $10,000.00 per year with a total upset limit of $20,000.00.
Funding from Account No. 2490-0010.
The Commission V O T E D: Approved

Adjourned at 9:40 a.m., to meet on Thursday, October 3, 2002 at 9:00 a.m.

William

Secretary

Record of the Four Thousand Forty Fifth (4045th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, October 3, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort and Sheppard.

The Records of the Commission Meeting held on September 19, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Misslin and Haider, September 25, requesting approval of an extension of time from October 3, 2002 to December 31, 2002, on Contract No. P00-2062-M1A, with The Entwistle Company, for Maintenance and Service of Hydraulic Systems at Various Flood Control/Navigation Sites, to allow for continuation of Maintenance and Service of Hydraulic Systems at Various Flood Control/Navigation Sites.
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from October 3, 2002 to December 31, 2002, as requested by Messrs. Faucher, Misslin and Haider in their report of September 25, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Messrs. Faucher, Misslin and Martinez, September 23, submitting for approval Project Summary, Work Schedule, Project Justification and requesting authorization to advertise Project No.P03-2182-C1A, for Replacement of the Automated Fuel Management System and Tank Monitoring Systems at Various MDC Facilities.
Estimated Cost - $450,000.00.
Time for Performance – eight months.
Account Nos. 2490-0017 and 2420-7882.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P03-2182-C1A, for Replacement of the Automated Fuel Management System and Tank Monitoring Systems at Various MDC Facilities.

3. Report of Messrs. Faucher and Lenhardt, September 18, recommending that work be accepted as completed as of June 30, 2002, on Contract No. P96-1819-C1A, with Boston Building & Bridges Corp., for Rehabilitation of Sweetser Bridges, Nos. 20 and 25.
(Basis of Award - $2,471,409.50)
(Amount to Date - $2,721,491.73)
(Contract Performance Rating – 4.00)
(EEO Compliance – 3.80)
The Commission V O T E D: that the work of Boston Building & Bridges Corp., Contractor under Contract No. P96-1819-C1A, be and hereby is accepted as completed as of June 30, 2002

1. Report of Messrs. Faucher, Misslin and Kane, September 25, recommending approval of the request of Shaw Construction, General Contractor, on Contract No. P02-2171-C1A, for Reconstruction of the Bernie King Pavilion, Nantasket Beach, Hull, to engage the services of the following sub-contractors –

Electrical	
Canal Electrical	- $46,300.00
Plumbing	
DBA Reinsant Plumbing	- $27,500.00
Total	- $73,800.00

Messrs. Faucher, Misslin and Kane further request approval to increase the contract amount from $596,000.00 to $637,800.00.
Funds are available in Account No. 2440-7991.
The Commission V O T E D: Approval to engage the services of Canal Electrical and DBA Reinsant Plumbing as sub-contractors on Contract No. P02-2171-C1A.
The Commission further V O T E D: Approval to increase the contract amount from $596,000.00 to $637,800.00.

2. Report of Messrs. Faucher, Lenhardt and Griffin and Mrs. O'Brien and Ms. Peterson, September 26, recommending approval of revisions in quantities on the following items on Contract No.PL-93-023-C2A, with D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton –

Item No. 02720-2 Steel Pipe Railing	$15,180.00
Item No. 02720-1 Wood Guard Rail Fence	$ 900.00
Item No. 02510-3 Concrete Pavement and Accessible Ramps	$ 335.00
Total	- $16,415.00

Funds are available in Account No. 2420-8961.
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher, Misslin and Balicki, September 11, on bids for Sanitary Sewer and Potable Water, Visitors Center and Maintenance Garage, Breakheart Reservation, Saugus, Contract No. P02-2138-C2A.
(Messrs. Faucher, Misslin and Balicki recommend acceptance of the lowest bid received, that of T. Ford, Inc., of $52,525.00).
Messrs. Faucher, Misslin and Balicki request that the Commission execute the Contract.
The Commission V O T E D: to accept the lowest bid received, that of T. Ford, Inc., of $52,525.00.
The Secretary then submitted for signature, Contract No. P02-2138-C2A, dated October 3, 2002, with T. Ford, Inc., which was signed by the Commissioner and three Associate Commissioners.

1. Report of Messrs. Faucher, Misslin and Sodano, September 9, requesting that the Commission approve the action of Deputy Commissioner Faucher, resulting in a revision in quantities on Item No. 02700-11 – Leaching Basins – at a cost of $5,000.00, on Contract No. PL95-031-C1A, with Fleming Brothers, Inc., for Construction of Abigail Adams Park, Back River Reservation, Weymouth.
Funding from Account No. 2440-7958.
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher, which resulted in a revision in quantities on Item No. 02700-11 on Contract No. PL95-031-C1A.
The Commission further V O T E D: to approve the revision in quantity on Item No. 02700-11, in the amount of $5,000.00

2. Report of Messrs. Faucher and DiPietro, September 17, recommending approval and execution of a Joint Funding Agreement with the U.S.Geological Survey for Gaging Stations within the Charles and Mystic River and Town Brook Watersheds, for Federal fiscal year 2003, MDC Contract No. P88-1530-M10A, and authorize funding in the amount of $61,031.00.
Account No. 2440-0010-TT.
Funding for fiscal year 2003 and 2004 contingent upon budget appropriation.
Time for Performance – October 1, 2002 to September 30, 2003.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize funding in the amount of $61,031.00.
The Secretary then submitted for signature the Joint Funding Agreement, dated October 3, 2002, with the U.S.Geological Survey, for Gaging Stations within the Charles and Mystic River and Town Brook Watersheds, for Federal fiscal year 2003, MDC Contract No. P88-1530-M10A, which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following matters relating to the Watershed Management Division:

3. Report of Messrs. McGinn and Scannell, September 18, on proposals for the purchase of forest products located on the Wachusett Reservoir Watershed.
(Messrs. McGinn and Scannell recommend:
Timber Lot No. 5181 - Wachusett Reservoir Watershed in the Town of Sterling, containing approximately 25,138 board feet of timber and 167 cords of fuelwood cords of pulp. Rejection of the only bidder, that of Bosse Logging, 40 Talcott Avenue, Gardner, MA 01440 of $4,500.00 because the MDC Forester estimated the lowest acceptable bid for this lot to be $5,700.00.
Timber Lot No. 5182 - Wachusett Reservoir Watershed in the Town of Clinton, containing approximately 186,278 board feet of timber and cords of fuelwood and 101 cords of pulp. Acceptance of the highest qualified bidder, that of King Timber Harvesting, 15 Ragged Hill Road, Hubbardston, MA 01452 of $23,992.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $20,300.00).
The Commission V O T E D: Approved as recommended by Messrs. McGinn and Scannell in their report of September 18, 2002.

4. Report of Messrs. McGinn and Scannell, September 27, requesting approval and execution of a Contract with Clean Harbors, Inc., for the removal of lead and asbestos contaminated building materials located in Sterling, required under the provisions of an Administrative Consent Order

(MDC Contract #WM03-036-X1A) issued to the Division by the Department of Environmental Protection.
Time for Performance – 45 days from Notice to Proceed.
Cost – not-to-exceed $32,000.00.
Funding from Account No. 2420-8960.
The Commission V O T E D: Approved

1. Report of Messrs. McGinn and Vignaly, September 27, requesting approval and execution of a Joint Funding Agreement (MDC Contract No. WM03-027-S1A) with the U.S. Department of Interior, Geological Survey (USGS), for Stream Gauging and Well Monitoring, for the period from October 1, 2002 through September 30, 2003.
MDC Share is $67,363.00.
Funding is available in Account No. 2420-1400 sub TT.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Joint Funding Agreement (MDC Contract No. WM03-027-S1A), dated October 3, 2002, with the U.S. Department of Interior, Geological Survey (USGS), which was signed by the Commissioner and three Associate Commissioners

2. Report of Messrs. McGinn and Clifford, September 24, requesting approval of MDC Contract No. WM03-003-M1A, with Flynn Construction, for Stillwater Farm Sanitary Facilities Addition Septic System Installation.
Time for Performance – December 30, 2002.
Cost – not-to-exceed - $9,800.00.
Funding from Account No. 2420-8960.
The Commission V O T E D: Approved.

3. Report of Messrs. McGinn and Scannell, September 30, requesting approval of MDC Contract No. WM03-035-X1A, with New England Recycling, Inc., for Green Waste Recycling and Solid Waste Removal Services.
Time for Performance –from Notice to Proceed to December 31, 2002.
Cost – not-to-exceed - $18,500.00.
Funding from Account No. 2420-8960.
The Commission V O T E D: Approved

Action was taken upon the following matter relating to the Office of Planning:

4. Report of Mrs. O'Brien and Mr. Driscoll, September 25, requesting approval and execution of Amendment No. 7 – Additional funding required for pre construction phase design services, at a cost of $150,209.00 and Amendment No. 8 – Watertown Dam Footbridge Structural Modifications, at a cost of $51,555.00, on Contract No. PL92-017-D2A, with Carol R. Johnson Associates, Inc., for the Upper Charles River Reservation Restoration (UCRRR) Master Plan and Design Services – Phase III.
Mrs. O'Brien and Mr. Driscoll further request an increase in compensation totaling $201,764.00.
Fund are available in Account No. 2490-0017.

The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Office of General Counsel:

1. Report of Mr. Gray, September 30, recommending that the Commission rescind the vote of the Commission of June 27, 2002, and approve and execute the Permit Agreement, as revised on October 3, 2002, by and between the Metropolitan District Commission and Boston's Fourth of July Foundation, Inc., to enter upon and use the Hatch Shell and portions of the Charles River Esplanade and the Charles River Basin for the production of the annual Independence Day celebration, subject to the terms and conditions of the Permit Agreement.
The Commission V O T E D: to rescind the vote of the Commission of June 27, 2002, and approve the Permit Agreement, as revised on October 3, 2002, by and between the Metropolitan District Commission and Boston's Fourth of July Foundation, Inc., to enter upon and use the Hatch Shell and portions of the Charles River Esplanade and the Charles River Basin for the production of the annual Independence Day celebration, subject to the terms and conditions of the Permit Agreement.
The Secretary then submitted for signature the Permit Agreement, dated October 3, 2002, by and between the Metropolitan District Commission and Boston's Fourth of July Foundation, Inc., which was signed by the Commissioner and three Associate Commissioners

2. Report of Messrs. Chisholm, Gray, Kelter and Jewett, September 30, regarding debtors and delinquent accounts pursuant to the MDC's Deb Collection Policy and procedures, as approved by the Commission at the Meeting of October 25, 2001.
The Commission V O T E D: to approve the recommendation of Messrs. Chisholm, Gray, Kelter and Jewett to refer the following debtors and their delinquent accounts to a debt collection agency listed on the Commonwealth's Master Service Agreement for further debt collection methods not within the capabilities of this agency and to bar all of the following and their successors and assigns from bidding on or conducting further business activities with the MDC or on its property, including, but not limited to, the issuance of any special use or concession permit.

Debtor and Contact	**Unpaid Balance**	**Time Period Past Due**
Boston Snack Foods, Inc. A. Maria Mahoney	$12,999.96	46 months
Joseph Maggiore	$9,885.00	6 months
Motherbrook Development Corp.	$28,000.00	121 months
Tastefully Yours Catering, Thomas M. Wilkinson	$4,220.11	24 months
David Calcia	$1,200.00	7 months

Debtor and Contact	**Unpaid Balance**	**Time Period Past Due (con.-)**
Adolfo Mijangos	$50.00	38 months
Sandra Milton	$35.00	35 months
Brian Gnandt	$35.00	25 months
Sonia Kechich	$35.00	20 months
William Lund	$35.00	19 months
James Taglianetti	$40.00	15 months
Barry Lana	$40.00	10 months.

Adjourned at 9:40 a.m., to meet on Thursday, October 10, 2002 at 9:00 a.m.

William A. [illegible]
Secretary

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Record of the Four Thousand Forty Sixth (4046th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, October 10, 2002.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on September 26, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Carrigan and MacLean, October 2, on bids for Rehabilitation of Tennis and Basketball Courts Throughout the Metropolitan District, Contract No.P02-2178-C1A.
(Messrs. Faucher, Carrigan and MacLean recommend acceptance of the lowest bid received, that of D & R General Contracting, Inc., of $809,277.20).
They further request the Commission execute the Contract.
The Commission V O T E D: to accept the lowest bid received, that of D & R General Contracting, Inc., of $809,277.20.
The Secretary then submitted for signature Contract No.P02-2178-C1A, dated October 10, 2002, with D & R General Contracting, Inc., which was signed by the Commissioner and four Associate Commissioners.

2. Report of Messrs. Faucher and Carrigan, October 2, recommending approval of a revision in quantities on Item No. 028-010 – for open steel and concrete filled steel decking – at a cost of $672,000.00, on Contract No.P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston.
Funding from Account No. 2490-2001.
The Commission V O T E D: Approved

3. Report of Messrs. Faucher and Lenhardt, October 3, recommending approval of the following revision in quantities and Extra Work Orders on Contract No.P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston –

Revision in Quantities

Item No. 027-010 Structural Concrete Repair Mortar	$60,000.00

Extra Work Orders

Extra Work Order No. 20 Replace 2 Pillow Blocks and Repair Shifts	$47,667.32
Extra Work Order No. 21 Replace Gears near/far side, Phase II	$56,653.26
Extra Work Order No. 23 Install Flat Tread Plates, Phase II & III	$44,331.28
Extra Work Order No. 24 Rebuild Electric Motors, Phase II	$ 5,640.01

Total - $214,291.87

Funding from Account No. 2490-2001.
The Commission V O T E D: to approve the Revisions in Quantities, in the amount of $60,000.00.
The Commission further V O T E D: to approve Extra Work Order No. 20, in the amount of $47,667.32.
The Commission further V O T E D: to approve Extra Work Order No. 21, in the amount of $56,653.26.
The Commission further V O T E D: to approve Extra Work Order No. 23, in the amount of $44,331.28.
The Commission further V O T E D: to approve Extra Work Order No. 24, in the amount of $5,640.01.

Meeting of Jan 9, 2003 Commission VOTED: to amend vote of 10.10.02 by increasing the estimated Cost by $72,778.00, for a new total of $1,700,000.00.

1. Report of Messrs. Faucher and Kirwin, September 27, submitting for approval Project Summary, Work Schedule, Project Justification and requesting authorization to advertise Project No.P03-2191-C1A, for Transportation Improvement Project McGrath Highway (Route 28) – 3 Locations, Somerville.
Estimated Cost - $1,627,222.00.
Time for Performance – twelve months.
Account No. 2490-9917.
The Commission V O T E D: Approved
The Commission further V O T E D: authorization to advertise Project No.P03-2191-C1A, for Transportation Improvement Project McGrath Highway (Route 28) – 3 Locations, Somerville

2. Report of Messrs. Faucher, Kirwin and Mrs. Graves-Jones, September 30, recommending approval of a revision in quantities on Item No. 006-010 – Reflectorized Pavement Symbols & Legends (Paint) – at a cost of $345.00, on Contract No. P02-2170-M1A, with Hi-Way Safety Systems, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 007-010 – Reflectorized Pavement Symbols and Legends (Thermoplastic).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Kirwin and Mrs. Graves-Jones, September 30, recommending approval of revisions in quantities on the following items on Contract No.P02-2141-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Old Colony and Blue Hills Districts –

Item No. 016-010 General Purpose Wire (X.H.H.W. #4)	$2,556.75
Item No. 018-010 Traffic Signal Loop Detector Conductor	$8,500.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 002-020 – Maintenance for Traffic Control Devices).
The Commission V O T E D: Approved

Action was taken upon the following matter relating to the Office of Planning:

1. Report of Mrs. O'Brien and Ms. Garnett, October 4, requesting approval of Amendment No. 3 – for an increase of $5,865.00 – to cover unanticipated construction administration services, as a result of unanticipated design issues related to planting and signage along the trail on Contract No. PL93-023-D2A, with Planners Collaborative, Inc., for Neponset River Trail Design Services, Dorchester and Milton.
Funding from Account No. 2440-9102.
The Commission V O T E D: Approved

Action was taken upon the following matters relating to the Office of General Counsel:

2. Report of Mr. Gray, October 7, recommending that the Commission approve and execute a License Agreement with Pine Banks LLC, for the use of the land and the facility known as the MDC Canal under the jurisdiction of the Commission situated within the City of Malden and the City of Melrose, Massachusetts, and adjacent to the site for the proposed Oak Grove Village Development.
The Commission V O T E D: Approved.
The Secretary then submitted for signature License Agreement, dated October 10, 2002, with Pine Banks LLC, which was signed by the Commissioner and four Associate Commissioner

3. Report of Mr. Collette, October 4, recommending that the Commission approve the payment from the MDC to the Department of the Army/Army Corps of Engineers, in the amount of $75,757, for costs associated with the transfer of a portion of the Watertown Arsenal site within the MDC Charles River Reservation to the Metropolitan District Commission.
The Commission V O T E D: Approved as recommended by Mr. Collette in his report of October 4, 2002

4. Report of Mr. Gray, October 7, recommending that the Commission declare surplus and transfer in accordance with the provisions of Chapter 275 of the Acts of 1998 and Chapter 183 of the Acts of 2002, a certain parcel of land located in the City of Quincy.
The Commission V O T E D: to declare surplus and transfer in accordance with the provisions of Chapter 275 of the Acts of 1998 and Chapter 183 of the Acts of 2002, that certain parcel of land located in the City of Quincy. containing approximately 11.438 acres, to Mini-Fenway Park, Inc., for purposes of constructing and operating a replica of Fenway Park for recreational use, subject to the terms and provisions of said Acts, the Article 97 Land Disposition Policy of the Executive Office of said Acts Environmental Affairs, and subject further to the following conditions:
    1. The project shall be subject to the site plan design and construction approval of the MDC.
    2. The project shall incorporate best management practices for the management of storm water.
    3. Mini-Fenway Park, Inc., shall submit an ENF to the Secretary of the Executive Office of Environmental Affairs in sufficient detail to characterize any unintended adverse impacts to natural and cultural resources that may result from the use of the site as authorized by the General Court.

4. Mini-Fenway Park, Inc., shall be responsible for compliance with all applicable laws, ordinances, rules and regulations resulting from the exercise of the lease,

Action was taken upon the following Various Matters:

1. Report of Mr. Jewett, October 8, requesting approval and authorization for Commissioner Balfour to execute on behalf of the Commission, a Contract-Agreement with the Law Offices of Peter E. Flynn, PC., for Professional Real Estate Title Examination Services, to prepare for the acquisition of the fee interest in a portion of the federal Watertown Arsenal site from the Department of the Army, Open Order Contract No. GC03-0001.
Value - $1,400.00
Parcels – 1.
Time for Performance – thirty days from notice to proceed.
Funding from Account No. 2440-8886.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for Commissioner Balfour to execute on behalf of the Commission, a Contract-Agreement with the Law Offices of Peter E. Flynn, PC., for Professional Real Estate Title Examination Services

2. Report of Mr. Jewett, October 8, requesting approval and authorization for Commissioner Balfour to execute on behalf of the Commission, a Contract with Relocation Consultants, for real estate relocation services (Open Order Contract No. GC03-001), a value of $7,200.00 – for one parcel – Parcel No. P000293 – SDB Corporation, Dorchester @ 1.2 acres.
Time for Performance – ninety days, with a completion date of June 30, 2003.
Account No. 2420-1420.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Contract on behalf of the Commission.

3. Report of Mr. Doak, October 9, recommending that the Commission reduce Golf Pro Michael Fleming's (Ponkapoag Golf Course) permit fee by $1,730.00, which was the cost of a rolling grill, installed to secure the entrance to the pro shop.
The Commission V O T E D: Approved as recommended by Mr. Doak in his report of October 9, 2002.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

4. Report of Commissioner Balfour, October 9, recommending that the Commission approve the naming of the Bathhouse at the north side of Nantasket Beach next to the rotary in memory of David C. Cook and the new MDC park located on Lynn Fells Parkway, Stoneham, in recognition of Jerry Jingle.
The Commission V O T E D: Approved

Adjourned at 9:45 a.m., to meet on Thursday, September 19, 2002 at 9:00 a.m.

William F.
Secretary

Record of the Four Thousand Forty Seventh (4047th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, October 17, 2002.

Present, Commissioner Balfour and Associate Commissioners Anzuoni, Rollins and Sheppard.

The Records of the Commission Meeting held on October 3, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Misslin, October 11, requesting approval of Extra Work Order No. 1 – for Structural Modifications to the Existing Concrete Foundation – with a cost not-to-exceed $34,000.00, on Contract No.P02-2171-C1A, with Shaw Construction, for Reconstruction of the Bernie King Pavilion, Nantasket Beach, Hull.
Account No. 2440-7991.
The Commission V O T E D: to approve Extra Work Order No. 1, in an amount not-to-exceed $34,000.00.

2. Report of Messrs. Faucher, Misslin and Kane, October 11, requesting that the Commission amend its vote of September 26, 2002, approving Project No. P02-2138-C3A, for Construction of Deck and Handicap Ramp Footings, Insulation, Wallboard/Plastering and Painting at the Visitor's Center at Breakheart Reservation, Saugus, to allow for an increase in the project cost from $60,481.21 to $82,481.21, for additional decking to the rear of building.
(The Amendment will not require additional time to complete the project).
The Commission V O T E D: to amend its vote of September 26, 2002, approving Project No. P02-2138-C3A, for Construction of Deck and Handicap Ramp Footings, Insulation, Wallboard/Plastering and Painting at the Visitor's Center at Breakheart Reservation, Saugus, to allow for an increase in the project cost from $60,481.21 to $82,481.21, for additional decking to the rear of building.

3. Report of Messrs. Faucher, Misslin and Balicki, October 9, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No.P03-2190-C1A, for New Dehumidifier, Flynn Rink, Medford.
Estimated Cost - $100,000.00.
Time for Performance – estimated at fourteen weeks.
Account No. 2440-7992.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P03-2190-C1A, for New Dehumidifier, Flynn Rink, Medford.

4. Report of Messrs. Faucher, MacLean and Barooshian, October 1, recommending the following on Contract No.P01-2101-C3A, with Tasco Construction, Inc., for Rebuilding of Catch Basins and Manholes in the Metropolitan District Commission
Area –
(a) That work be accepted as completed as of July 2, 2002.

(b) That Estimate No. 3 (Final), in the amount of $4,606.55, be approved for payment.
(c) That reserve, in the amount of $12,480.19, be approved for payment.
(Basis of Award - $208,300.00)
(Amount to Date - $249,603.72).
(Contract Performance Rating – 4.66)
(EEO Compliance – 3.60)
The Commission V O T E D: that the work of Tasco Construction, Inc., Contractor under Contract No.P01-2101-C3A, be and hereby is accepted as completed as of July 2, 2002.
The Commission further V O T E D: to approve Estimate No. 3 (Final), in the amount of $4,606.5, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $12,480.19, for payment.

1. Report of Messrs. Faucher, Thurlow and DeLuca, October 9, recommending the following on Contract No.P02-2143-C1A, with C.R.C. Company, Inc., for Installation of Benches along the Charles River.
(a) That work be accepted as completed as of August 31, 2002.
(b) That Estimate No. 4 (Final), in the amount of $55,955.95, be approved for payment.
(c) That reserve, in the amount of $31,250.55, be approved for payment.
(Basis of Award - $566,110.00)
(Amount to Date - $625,011.00)
(Contract Performance Rating – 3.50)
(EEO Compliance – 3.50)
The Commission V O T E D: that the work of C.R.C. Company, Inc., Contractor under Contract No. P02-2143-C1A, be and hereby is accepted as completed as of August 31, 2002.
The Commission further V O T E D: to approve Estimate No. 4 (Final), in the amount of $55,955.95, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $31,250.55, for payment

Action was taken upon the following Various Matters:

2. Report of Mrs. Overton Bussell and Johnson, October 10, requesting approval to procure Drug and Alcohol Testing Services for Certain MDC Employees.
Time for Performance – sixty months.
Cost – not-to-exceed - $49,935.00.
Funding from Account No. 2440-0010.
The Commission V O T E D: Approved

3. Report of Mrs. Overton Bussell and Mr. Murphy, October 11, requesting approval of an extension of time from two months from “Notice to Proceed” until June 30, 2003, on Contract with Clivus New England Inc., for Repairs to the Existing Clivus Units on Georges, Lovell and Peddocks Island, Boston Harbor, so repairs to the units may be completed in late spring.

(At no increase in Contract cost).
The Commission V O T E D: Approved.

1. At this point, Commissioner Balfour made note of the departure from the Commission of Associate Commissioner Carr.
Commissioner Balfour stated that over the past eleven years, Associate Commissioner Carr, through his actions, assisted in revitalizing our reservations, parkways and beaches; the acquisition of countless acres of parkland and watershed land; the protection of our watersheds, and an expanded program of recreational activities and special events.
Commissioner Balfour and the Associate Commissioners then joined in expressing appreciation for Associate Commissioner Carr's efforts in furthering the goals, the policies, and the responsibilities of the Metropolitan District Commission, and wished for him continued success in all his future endeavors.

Adjourned at 9:30 a.m., to meet on Thursday, October 24, 2002 at 9:00 a.m.

William
Secretary

Record of the Four Thousand Forty Eighth (4048th) Meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, October 24, 2002.

Present, Commissioner Balfour and Associate Commissioners Anzuoni, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on October 10, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Misslin and Abounaja, October 15, recommending approval of an extension of time from August 14, 2002 to June 30, 2003, on Contract No.P00-2063-D1A, with Yee Consulting Group, for Industrial Hygiene Services for Various MDC Facilities, due to need to complete additional work assigned by the Commission.
(At no additional cost).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Lenhardt, October 18, recommending approval of Extra Work Order No. 25 – for jacking counterweights in Phases II and III – with a cost of $92,466.57, on Contract No.P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston.
Funding from Account No. 2490-2001.
The Commission V O T E D: to approve Extra Work Order No. 25, at a cost of $92,466.57.

3. Report of Messrs. Faucher, Griffin and Gode-Von Aesch, October 16, recommending approval of an extension of time from October 30, 2002 to November 30, 2002, on Contract No.P02-2156-C1A, with Prime Coatings, Inc., for Charles River Basin Pedestrian Overpass Painting, to procure and install aluminum bar grating on trench drains on Embankment Road Pedestrian Overpass and to install joint in new bituminous concrete overlay at same location.
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from October 30, 2002 to November 30, 2002, as recommended by Messrs. Faucher, Griffin and Gode-Von Aesch in their report of October 16, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher, Misslin and Gabra, October 21, requesting approval of Extra Work Order No. 1 – for fabricating and installing removable blankets for piping flanges – with an upset limit of $12,700.00, on Contract No. P02-2143-M1A, with Boston Fuel Injection, Inc., for Regasketing of 4 Diesel Engines at the Amelia Earhart and Charles River Dams.
Funding from Account No. 2496-8967.
The Commission V O T E D: to approve Extra Work Order No. 1, with an upset limit of $12,700.00.

1. Report of Messrs. Faucher, Lenhardt and Griffin and Mrs. O'Brien and Ms. Peterson, October 21, recommending approval of an extension of time from October 30, 2002 to December 29, 2002, on Contract No. PL-93-023-C2A, with D & C Construction Co., Inc., for Lower Neponset River Trail, Boston and Milton, due to delays in signage installation and planting of trees and shrubs.
(At no increase in Contract cost).
The Commission V O T E D: to approve of an extension of time from October 30, 2002 to December 29, 2002, as recommended by Messrs. Faucher, Lenhardt and Griffin and Mrs. O'Brien and Ms. Peterson, in their report of October 21, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Messrs. Faucher and Orfant, September 18, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to issue a request for responses for Neponset River Reservation Salt Marsh Restoration Project, Contract No. P95-1804-C2A,
Cost – not-to-exceed - $450,488.20.
Time for Performance – three months.
Funding from Account Nos. 2440-9757 and 2440-6020.
The Commission V O T E D: Approved.
The Commission further V O T E D: requesting authorization to issue a request for responses for Neponset River Reservation Salt Marsh Restoration Project, Contract No. P95-1804-C2A.

3. Report of Messrs. Faucher, Misslin and Abounaja, October 16, recommending approval of an extension of time from December 31, 2002 to June 30, 2003, on Contract No. P00-2064-C1A, with SCS Environmental Services, Inc., for Asbestos Abatement from Various MDC Facilities.
(At no additional Contract cost).
The Commission V O T E D: to approve an extension of time from December 31, 2002 to June 30, 2003, as recommended by Messrs. Faucher, Misslin and Abounaja, in their report of October 16, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher, Griffin and Gode-von Aesch, October 18, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No.P02-2173-D1A, for Professional Engineering Services for Repairs to McCarthy Overpass, Somerville.
Estimated Cost - $200,000.00.
Duration of Contract – twenty four months.
Account No. 2490-8911.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P02-2173-D1A, for Professional Engineering Services for Repairs to McCarthy Overpass, Somerville.

5. Report of Messrs. Faucher, Gearheart and Misslin, October 21, recommending approval of an extension of time from October 28, 2002 to December 16, 2002, on Contract No.P02-2171-

C1A, with Shaw Construction Company, for Reconstruction of the Bernie King Pavilion, Hull, due to time lost during the preparation of structural modifications and the lead time associated with procurement of additional materials.
The Commission V O T E D: to approve an extension of time from October 28, 2002 to December 16, 2002, as recommended by Messrs. Faucher, Gearheart and Misslin, in their report of October 21, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher and Kirwin and Mrs. Graves Jones, October 17, recommending approval of an extension of time from October 29, 2002 to December 1, 2002, on Contract No. P02-2170-M1A, with Hi-Way Safety Systems, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC, due to inclement weather conditions. (At no additional Contract cost).
The Commission V O T E D: to approve an extension of time from October 20, 2002 to December 1, 2002, as recommended by Messrs. Faucher and Kirwin and Mrs. Graves Jones, in their report of October 17, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

Adjourned at 9:30 a.m., to meet on Thursday, October 31, 2002 at 10:00 a.m., at the Zina Greenwood Park, Stoneham.

Secretary

Record of the Four Thousand Forty Ninth (4049th) Meeting of the Metropolitan District Commission duly called and held at the Zina Greenwood Park, Stoneham, Massachusetts, on Thursday, October 31, 2002.

Present, Commissioner Balfour and Associate Commissioners Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on October 17, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Misslin and Ms. Pfetsch and Farina, October 23, requesting approval of an extension of time from November 30, 2002 to November 30, 2004, on Contract No. P97-1905-D1A, with Vollmer Associates, for Rehabilitation of the Thompson Center, Hyde Park, the project was stalled due to cost cutting measures and while the source of additional funding was researched.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Griffin, October 23, recommending approval of a revision in quantities on Item No. 11 – variable message board – at a cost of $6,300.00, on Contract No. P02-2137-C1A, with SPS New England, Inc., for Repair to Woods Memorial Bridge.
(At no increase in Contract cost).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Lenhardt, October 21, recommending approval of Extra Work Order No. 1 – for removing, repairing, resetting granite roof stones and replacing copper roof gutter to Cambridge tower – at a cost of $41,582.62, on Contract No.P78-0639-C1A, with SPS New England, Inc., for Remedial Repairs to Longfellow Bridge.
Funding from Account No. 2490-2001.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $41,582.62.

4. Report of Messrs. Faucher, Griffin and Gode-von Aesch, October 23, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. PL92-017-C3A, for Upper Charles River Reservation Restoration – Phase 3A.
Estimated Cost - $1,964,655.50.
Time for Performance – twenty four months, with completion by December 31, 2004.
Funding from Account Nos. 2440-9916 and 2490-0017.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. PL92-017-C3A, for Upper Charles River Reservation Restoration – Phase 3A.

1. Report of Messrs. Faucher and Kirwin and Mrs. Graves Jones, September 26, recommending the following on Contract No. P01-2132-M1A, with Hi-Way Safety Systems, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of MDC –
(a) That work be accepted as completed as of July 14, 2002.
(b) That Estimate No. 5 (Final), in the amount of $41,093.22, be approved for payment.
(c) That reserve, in the amount of $2,162.80, be approved for payment.
(Basis of Award - $187,640.00)
(Amount to Date - $237,085.79)
(Contract Performance Rating – 4.83)
(EEO Compliance – 4.50)
The Commission V O T E D: that the work of Hi-Way Safety Systems, Inc., Contractor under Contract No.P01-2132-M1A, be and hereby is accepted as completed as of July 14, 2002.
The Commission further V O T E D: to approve Estimate No. 5 (Final), in the amount of $41,093.22, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $2,162.80, for payment.

2. Report of Messrs. Faucher and Thurlow, October 23, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Contract No.P03-2182-C1A, for the Installation of an Irrigation System at Zina Greenwood Playground, Stoneham.
Estimated Cost - $25,000.00.
Time for Performance – one month.
Funding from Account No. 2440-8952.
The Commission V O T E D: Approve.
The Commission further V O T E D: authorization to advertise Contract No.P03-2182-C1A, for the Installation of an Irrigation System at Zina Greenwood Playground, Stoneham.

3. Report of Messrs. Faucher, DiPietro and Galvin, October 28, recommending approval of a revision in quantities on Item No. 003-050 – for R & R Rip Rap – at a cost of $70,000.00, on Contract No. P94-1713-C1A, with Jay Cashman, Inc., for Wollaston Beach Seawall Rehabilitation, Quincy.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item Nos. 003-040 – R & D Rip Rap, 003-080 – 300 lb. Bedding Stone and 003-090 – 600 lb. armor stone).
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and Kirwin, October 23, recommending approval of an extension of time from October 10, 2002 to November 12, 2002, on Contract No.P02-2150-C1A, with Mario Susi & Son, Inc./Susi Brothers, LLP, for Traffic Safety Improvements, Morton Street, Boston, 3 locations, to allow time for fine tuning of traffic signal systems and installation of related traffic signs.
(At no additional contract cost).
The Commission V O T E D: to approve an extension of time from October 10, 2002 to November 12, 2002, as recommended by Messrs. Faucher and Kirwin in their report of October

23, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher, Misslin, Gearheart and Sodano, October 22, submitting for approval Work Schedule Project Summary, Project Justification and requesting authorization to advertise Project No. P03-2186-C1A, for Materials Testing Lab & Field Construction Operations Headquarters.
Estimated Cost - $420,000.00.
Time for Performance – six months beginning in late December 2002.
Funding from Account No. 2490-0017.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P03-2186-C1A, for Materials Testing Lab & Field Construction Operations Headquarters.

Action was taken upon he following matters relating to the Watershed Management Division:

2. Report of Messrs. McGinn and O'Connor, October 23, requesting approval of an extension of time from November 4, 2002 to February 4, 2003, on Contract No. WM94-003-C1A, with TASCO Construction, Inc., for Remedial Repairs/Improvements for Public Safety Considerations Beaman Street Bridge, West Boylston, due to unforeseen field conditions.
The Commission V O T E D: to approve an extension of time from November 4, 2002 to February 4, 2003, as requested by Messrs. McGinn and O'Connor, in their report of October 23, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. McGinn and Baratta, October 17, requesting approval of an extension of time from October 31, 2002 to July 31, 2003, on Contract No. WM98-061-D11A, with Camp, Dresser & McKee, Inc., for Construction Inspection Services Holden/West Boylston, to provide continued inspectional services for MDC sewer construction.
(At no additional Contract cost).
The Commission V O T E D: Approved.

4. Report of Messrs McGinn and Vignaly, October 17, recommending that work be accepted as completed as of September 30, 2002 and that Invoice No. 3244100084, in the sum of $12,612.00, be approved for payment, on Contract No. WM02-027-S1A, with U.S. Department of the Interior – Geological Survey, for Stream Gauging and Well Monitoring.
(Basis of Award - $50,445.00)
(Amount to Date - $50,445.00)
(Contract Performance Rating – 8 with 10 being excellent).
(EEO Compliance – N/A)
The Commission V O T E D: that the work of the U.S. Department of the Interior - Geological Survey, be and hereby is accepted as completed as of September 30, 2002.
The Commission further V O T E D: to approve Invoice No. 3244100084, in the sum of $12,612.00, for payment.

1. Report of Messrs. McGinn and Clifford, October 18, recommending that work be accepted as completed as of July 24, 2002 and that the invoice be approved and permission be granted to pay the Flynn Construction Company, on Contract No. WM02-032-C1A, for Foundation Construction.
(Basis of Award - $9,975.00)
(Amount to Date - $9,975.00)
(Contract Performance Rating – 6 with 10 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of Flynn Construction Company, Contractor under Contract No. WM02-032-C1A, be and hereby is accepted as completed as of July 24, 2002.
The Commission further V O T E D: to approve the invoice for payment.

Action was taken upon the following matter relating to the Office of Planning:

2. Report of Mrs. O'Brien and Ms. Garnett, October 25, requesting approval of environmental services at Pope John Paul II Park, Phase II, by Camp Dresser and McKee, Inc., at a cost of $1,170.00.
Funding from Account No. 2440-9800.
The Commission V O T E D: Approved.

Adjourned at 10:55 a.m., to meet at MDC Headquarters Building, 20 Somerset Street, Boston, Massachusetts on Thursday, November 7, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Fiftieth (4050th) Meeting of the Metropolitan District Commission duly called and held at MDC Headquarters Building, 20 Somerset Street, Boston, Massachusetts, on Thursday, November 14, 2002.

Present, Commissioner Balfour and Associate Commissioners Anzuoni, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on October 24, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Sodano and Chan, October 2, recommending that Contract No. P01-2117-C2A, with All Star Construction, for Pump Station Rehabilitation Work at Storrow Drive West Side Pump Station at Berkeley Street, Boston, be accepted as completed as of June 10, 2002.
(Basis of Award - $96,858.45)
(Amount to Date - $87,016.06)
(Contract Performance Rating – 2.98)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of All Star Construction be and hereby is accepted as completed as of June 10, 2002

2. Report of Messrs. Faucher, Misslin and Martinez, November 4, on bids for Replacement of the Automated Fuel Management System and Tank Monitoring Systems at Various MDC Facilities, Contract No. P03-2182-C1A.
(Messrs. Faucher, Misslin and Martinez recommend acceptance of the lowest corrected bid received, that of Northeast Tank Services Co., Inc., of $366,387.00).
The Commission V O T E D: to accept the lowest corrected bid received, that of Northeast Tank Services Co., Inc., of $366,387.00

3. Report of Messrs. Faucher, Misslin and Gabra, November 4, requesting approval of an extension of time from November 8, 2002 to April 1, 2003, on Contract No. P02-2143-M1A, with Boston Fuel Injection, Inc., for Regasketing of 4 Diesel Engines at the Charles River and Amelia Earhart Dams.
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from November 8, 2002 to April 1, 2003, as requested by Messrs. Faucher, Misslin and Gabra, in their report of November 4, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation

4. Report of Messrs. Faucher, DiPietro and Galvin, November 1, recommending approval of the action of Deputy Commissioner Faucher resulting in Extra Work Order No. 3 – for installation of an air hose connection to the Sewage tight tank at the General Edwards Bridge – at a cost of $2,157.00, on Contract No. P00-2022-C1A, with J. D'Amico, Inc., for Construction of Wastewater Discharge Systems at GE Bridge, Brookwood Farm and Breakheart Reservation.

(At no increase in Contract cost as the extra work will be offset by unused quantities in Item Nos. 772.00 – 4" evergreen trees, 775.00 – 4" deciduous trees, 697.01 – sedimentation fencing and 250.08 – 8" PVC pipe).
The Commission V O T E D: to approve the action of Deputy Commissioner Faucher which resulted in Extra Work Order No. 3, on Contract No. P00-2022-C1A.
The Commission further V O T E D: to approve Extra Work Order No. 3, in the amount of $2,157.00.

1. Report of Messrs. Faucher, Misslin and Balicki, November 1, on bids for Heating and Air-Conditioning for Visitors Center and Maintenance Garage, Breakheart Reservation, Saugus, Contract No. P03-2181-C1A.
(Messrs. Faucher, Misslin and Balicki recommend acceptance of the second lowest bid received, that of Essex County Craftsmen – HVAC Sheet Metal Contractors, of $68,206.81. The lowest bidder, Anthony Heating and Air Conditioning, Inc., submitted an invalid bid).
The Commission V O T E D: to accept the second lowest bid received, that of Essex County Craftsmen – HVAC Sheet Metal Contractors, of $68,206.81.

2. Report of Messrs. Faucher and Lenhardt, November 6, recommending approval of an extra work order and a revision in quantities on Contract No. P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston, as follows –
Revision in Quantities – Item No. 011-010 – special lighting unit flashing arrow – at a cost of $6,400.00 – and
Extra Work Order No. 26 – recondition transmissions for Phase III – at a cost of $27,661.78.
Funding from Account No. 2490-2001.
The Commission V O T E D: to approve Extra Work Order No. 26, in the amount $27,661.78
The Commission further V O T E D: to approve Revision in Quantities on Item No. 011-010, in the amount of $6,400.00.

3. Report of Messrs. Faucher, Carrigan and Machado, November 7, requesting approval of Alteration No. 1 – for furnishing and installing 270 L.F. of 36 inch diameter reinforced concrete pipe at the site of the Visitor's Welcome Center, Breakheart Reservation, Saugus – at a cost of $16,875.00, on Contract No. P02-2177-C1A, with D & R General Contracting, Inc., for Resurfacing MDC Parkways at Various Locations Throughout the Metropolitan District.
(At no increase in Contract cost as the alteration will be offset by unused quantities in Item Nos. 002-010 – 0" – 4" Cold Planing and 010-010 – Granite Edgestone Type VA 4-6" x18", Remove and Reset).
The Commission V O T E D: to approve Alteration No. 1, in the amount of $16,875.00.

Action was taken upon the following matters relating to the Watershed Management Division:

4. Report of Mr. McGinn, October 25, submitting for approval and execution Quabbin Park Cemetery Deed No. Q-1747, conveying Southwesterly ½ of Lot No. 971, to Charles and Gail Russell and Ronald and Judith Allard.
The Commission V O T E D: Approved.

The Secretary then submitted for signature Quabbin Park Cemetery Deed No. Q-1747, dated November 14, 2002, which was signed by the Commissioner and four Associate Commissioners.

1. Report of Messrs. McGinn and Zimmerman, November 6, requesting approval of an extension of time from June 20, 2003 to December 31, 2003, on Contract No. WM02-076-X3A, with the Town of Petersham, for the Development of the Town of Petersham Master Plan.
(At no increase in Contract cost).
The Commission V O T E D: Approved
of an extension of time from June 20, 2003 to June 20, 2004, on Contract No. WM02-076-X5A, with the Town of Shutesbury, for the Development of the Town of Shutesbury Master Plan.
(At no increase in Contract cost).
The Commission V O T E D: Approved.

Action was taken upon the following Various Matter:

2. Report of the Concession Selection Committee, November 7, recommending that Northeast Ice Cream Inc.'s concession permit fee for the 2002 season, at the Dilboy Field Pool area, Somerville, be waived as the firm did not operate at this location this year and that this location be dropped as a concession site due to the lack of customers.
The Commission V O T E D: to approve the recommendation of the Concession Selection Committee and waive Northeast Ice Cream Inc.'s concession permit fee for the 2002 season, at the Dilboy Field Pool area, Somerville.
The Commission further V O T E D: that this location be dropped as a concession site due to the lack of customers.

Adjourned at 9:40 a.m., to meet on Thursday, November 21, 2002 at 9:00 a.m.

William F.
Secretary

Record of the Four Thousand Fifty First (4051st) Meeting of the Metropolitan District Commission duly called and held at MDC Headquarters Building, 20 Somerset Street, Boston, Massachusetts, on Thursday, November 21, 2002.

Present, Commissioner Balfour and Associate Commissioners Anzuoni, Elkort, Rollins and Sheppard.

The Records of the Commission Meeting held on October 31, 2002, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Contract No. P03-2182-C1A, dated November 21, 2002, with Northeast Tank Services Co., Inc., for Replacement of the Automated Fuel Management System and Tank Monitoring Systems at Various MDC Facilities.

2. Contract No. P03-2181-C1A., dated November 21, 2002, with Essex County Craftsmen – HVAC Sheet Metal Contractors, Inc., for Heating and Air Conditioning for Visitor's Center and Maintenance Garage, Breakheart Reservation, Saugus.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs Faucher, Griffin and Trzcinski, November 7, recommending approval of revisions in quantities on the following items on Contract No. P02-2136-C1A, with N.E.L. Corporation, for the Repair of Land Boulevard Bridge, Cambridge –

Item No. 1 – 5" Open Steel Grid -	$ 1,847.10
Item No. 3 – Structural Steel -	$12,936.75
Item No. 3A – Miscellaneous Structural Steel -	$18,277.50
Total -	$33,061.35

Funding from Account No. 2490-0012.
The Commission V O T E D: Approved.

4. Report of Messrs Faucher and Lenhardt, November 6, recommending approval of Extra Work Order No. 27 – to repair leaking roof of the operator's house – at a cost of $16,603.19, on Contract No. P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston.
Funding from Account No. 2490-2001.
The Commission V O T E D: to approve Extra Work Order No. 27, in the amount of $16,603.19.

5. Report of Messrs. Faucher and McCalla, November 6, recommending approval of a revision in quantities on Item No. 005-010 – for 250 Watt Mercury Lamp – at a cost of $1,000.00, on Contract No. P02-2139-M2A, with Coviello Electric & General Contracting Co., Inc., for Maintenance of Street Lighting Systems on MDC Parkways, Roadways and Properties at Various Locations.

(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 025-010 – Miscellaneous Labor).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher and Carrigan, November 18, recommending approval of Amendment No. 4 – for an extension of time from December 31, 2002 to December 31, 2004, on Contract No. P82-1129-D1A, with Vanasse Hangen Brustlin, Inc., for Engineering Services for the Rehabilitation of Morrissey Boulevard and Redesign of the John J. Beades Bridge, Dorchester.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Carrigan and Machado, November 15, recommending approval of revisions in quantities on the following items on Contract No.P00-2085-C1A, with D & R General Contracting Inc., for Resurfacing MDC Parkways at Various Location Throughout the Metropolitan District –

Item No. 001-010 Unclassified Excavation	$ 1,456.00
Item No. 002-010 0" – 4" Cold Planing	$34,420.00
Item No. 004-010 Catch Basins and Manholes adjusted to Grade	$ 500.00
Item No. 007-010 Bituminous Concrete	$17,104.50
Item No. 008-010 Bituminous Concrete for Sidewalks, Driveways, Patch and Small Parking Lots	$ 65.00
Item No. 017-010 8" Reflectorized Pavement Markings (Thermoplastic)	$ 585.00
Item No. 018-010 12" Reflectorized Pavement Markings (Thermoplastic)	$ 5,400.00
Total -	$59,530.50

(The cost of the revisions will be funded utilizing Items listed on enclosure 1A).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and DiRamio and Mrs. Overton Bussell, November 5, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to procure design services for Design of Ceremonial Gateway Arches on Revere Beach Boulevard, Contract No. P03-2192-D1A.
Estimated Cost - $35,000.00.
Time for Performance – eight months.
Account No. 2440-7991.
The Commission V O T E D: Approved.

The Commission further V O T E D: authorization to procure design services for Design of Ceremonial Gateway Arches on Revere Beach Boulevard, Contract No. P03-2192-D1A. Associate Commissioner Anzuoni did not participate in discussion or vote on this matter.

1. Report of Mrs. Overton Bussell and Messrs. Faucher and Orfant, November 18, requesting approval of Amendment No. 2 – for additional funding in the sum of $10,931.00, to complete a shellfish survey, on Contract No. P98-1937-D1A, with Rizzo Associates, Inc., for Wollaston Beach Rehabilitation Project.
Funding from Account No. 2440-8956.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Misslin and Kane, November 18, requesting approval of Revision No. 1 – for modifications to the existing pier foundations and replacement with new concrete foundations to meet new dimensions of codes and requirements for structure in the coastal velocity zone to Extra Work Order No. 1 – for modifications to the existing concrete foundations of the columns of the original Bernie King Pavilion – at a cost not-to-exceed $23,235.00, on Contract No.P02-2171-C1A, with Shaw Construction Corporation for Reconstruction of the Bernie King Pavilion.
Funding from Account No. 2440-7991.
The Commission V O T E D: Approved as requested by Messrs. Faucher, Misslin and Kane in their report of November 18, 2002

3. Report of Messrs. Faucher, Misslin and Kane, November 18, requesting approval of Extra Work Order No. 3 – for excavation, removal and demolition of unstable brick wall foundation along the 8 – line, construction of new brick wall foundation, column foundations and concrete/brick veneer wall – at a cost of not-to-exceed $13,000.00, on Contract No. P02-2171-C1A, with Shaw Construction Corporation, for Reconstruction of Bernie King Pavilion.
Funding from Account No. 2440-7991.
The Commission V O T E D: to approve Extra Work Order No. 3, at a cost not-to-exceed $13,000.00.

4. Report of Messrs. Faucher, Misslin and Kane, November 18, requesting approval of Extra Work Order No. 4 – for excavation, removal and demolition of unstable concrete wall foundation along the D-line, construction of new column foundations – at a cost of $11,000.00, on Contract No.P02-2171-C1A, with Shaw Construction Corporation, for Reconstruction of the Bernie King Pavilion.
Funding from Account No. 2440-7991.
The Commission V O T E D: to approve Extra Work Order No. 4, at a cost of $11,000.00.

5. Report of Mrs. Overton Bussell and Messrs Faucher, Misslin and Abounaja, October 21, recommending approval of Amendment No. 4, increasing funding for contaminated sites as follows, on Contract No.P00-2065-D2A, with Tighe and Bond Consulting Engineers for Licensed Site Professional Services for Various MDC Contaminated Sites –

Ponkapoag Golf Course

$23,927.00 – for a contaminated site located at the Golf Course.

Blue Hill Maintenance Facilities

$24,963.00 – for a contaminated site located at the Maintenance Facility.
At a total of - $48,890.00.
Funding from Account No. 2440-7994.
The Commission V O T E D: Approved.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

1. Report of Messrs. Faucher and Orfant, November 18, on bids for Historic Parkways Initiative: Memorial Drive Demonstration Project, Project No. P02-2162-C1A.
(Messrs. Faucher and Orfant recommend acceptance of the lowest bid received, that of Roads Corp., of $5,982,043.50).
Funds are available in Account No. 2440-8956 and are subject to the release of the additional funds by the Secretary of Environmental Affairs.
The Commission V O T E D: to accept the lowest bid received, that of Roads Corp., of $5,982,043.50

Meeting of 1.23.03 Commission VOTED: to amend its vote by changing Acct# 2440-8956 to Acct # 2490-0017.

2. Report of Messrs. Faucher, Misslin and Kane, November 18, requesting approval of Alteration No. 1 – at a cost not-to-exceed $8,000.00, for additional quantities in excavation, concrete removal, concrete demolition and additional quantities of new concrete to Extra Work Order No. 3 – for removal of brick wall originally to be used as foundation for a new wall but was found to be deteriorated, on Contract No. P02-2171-C1A, with Shaw Construction Corporation for Reconstruction of the Bernie King Pavilion.
Funding from Account No. 2440-7991.
The Commission V O T E D: to approve Alteration No. 1 – at a cost not-to-exceed $8,000.00, as requested by Messrs. Faucher, Misslin and Kane in their report of November 18, 2002.

Action was taken upon the following matters relating to the Watershed Management Division:

3. Report of Mr. Pula, November 15, requesting reinstatement of Gerald Gaumond, d/b/a, New England Forest Products to the Forestry Bid List and allow Mr. Gaumond to work on Commission property, subject to a probationary period.
The Commission V O T E D: to reinstate Gerald Gaumond, d/b/a, New England Forest Products to the Forestry Bid List and allow Mr. Gaumond to work on Commission property, subject to a probationary period, as requested by Mr. Pula in his report of November 15, 2002

4. Report of Messrs. McGinn and Kane, November 14, requesting that the Commission vote approval for the Division of Watershed Management and the Contract Administrator to reactivate Contract No. WM87-013-D2A, with GZA GeoEnvironmental, Inc., for Design Services, Wachusett Dam, Spillway and Channel and to prepare a Revised Scope of Services and Budget.
The Commission V O T E D: approval for the Division of Watershed Management and the Contract Administrator to reactivate Contract No. WM87-013-D2A, with GZA GeoEnvironmental, Inc., for Design Services, Wachusett Dam, Spillway and Channel and to prepare a Revised Scope of Services and Budget.

1. Report of Messrs. McGinn and Baratta, October 23 recommending approval of revisions in quantities and extra work claims as follows on Contract No. WM97-061-C1A (97-4W), with J.A. Polito and Sons, for M.D.C. Sewer Construction – West Boylston – Bunker Hill/ Meadowbrook East – Phase II

Extra Work Claims

No. 4 – for miscellaneous extra work items that cannot be paid under the unit price items and caused delays to the contractor -- $15,954.31

No. 5 – for miscellaneous extra work items required for the completion of the Worcester Street waste water pump station -- $7,110.68

Revisions in Quantities

No. 4 – caused by many varying conditions encountered during construction -- $30,524.00

Final – closeout required to balance contract items no longer required for completion of the contract and to increase final actual quantities -- $45,029.29

Total -- $98,618.28

Funding from Account No. 2420-4994.
The Commission VOTED: To approve Extra Works Claim No. 4, at a total of $15,954.31 and Extra Works Claim No. 5, at a total of $7,110.68.
The Commission further VOTED: To approve Revision in Quantities No. 4, at a total of $30,524.00 and the Final Revision in the sum of $45,029.29.

Action was taken upon the following Various Matter:

2. Report of Mrs. O'Brien and Mr. Corsi, November 15, requesting approval and execution of Amendment No. 1, for an extension of time from November 30, 2002 to December 31, 2003, on Contract Agreement No. PL00-067-D1A, with Wallace Floyd Design Group, for the Design of Magazine Beach Site Improvements.
(At no additional Contract cost).
The Commission VOTED: Approved.
The Secretary then submitted for signature Amendment No. 1, dated November 21, 2002, on Contract Agreement No. PL00-067-D1A, with Wallace Floyd Design Group, which was signed by the Commissioner and four Associate Commissioners

Action was taken upon the following matter relating to the Office of General Counsel:

3. Report of Mr. Gray, November 19, recommending that the Commission approve and execute a Bench Program Agreement with The Esplanade Association, Inc., for the use of the land under the jurisdiction of the Commission known as the Charles River Esplanade and situated within the Charles River Reservation in the City of Boston, Massachusetts, subject to the terms and provisions of said Agreement.
The Commission VOTED: to approve a Bench Program Agreement with The Esplanade Association, Inc., for the use of the land under the jurisdiction of the Commission known as the Charles River Esplanade and situated within the Charles River Reservation in the City of Boston, Massachusetts, subject to the terms and provisions of said Agreement.
The Secretary then submitted for signature Bench Program Agreement, dated November 21, 2002, with The Esplanade Association, Inc., which was signed by the Commissioner and four Associate Commissioners.

Adjourned at 9:45 a.m., to meet on Thursday, December 5, 2002 at 9:00 a.m.

William F. Crist
Secretary

Record of the Four Thousand Fifty Second (4052nd) Meeting of the Metropolitan District Commission duly called and held at MDC Headquarters Building, 20 Somerset Street, Boston, Massachusetts, on Thursday, December 5, 2002.

Present, Commissioner Balfour and Associate Commissioners Anzuoni, Elkort, Kahalas and Rollins.

The Records of the Commission Meeting held on November 14, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Thurlow, November 19, recommending the following on Contract No. P00-2055-D1A, with Copley/Wolf, Joint Venture, for The Study and Design of South West Corridor Playgrounds –
(a) That work be accepted as completed as of July 15, 2002.
(b) That Estimate No. 10 (Final), in the amount of $24,545.00, be approved for payment.
(c) That reserve, in the amount of $7,454.60, be approved for payment.
(Basis of Award - $75,000.00)
(Amount to Date - $74,545.94)
(Contract Performance Rating – 8.00 with 10.00 being excellent)
(EEO Compliance – N/A)
The Commission V O T E D: that the work of Copley/Wolf, Joint Venture, Contractor under Contract No. P00-2055-D1A, be and hereby is accepted as completed as of July 15, 2002.
The Commission further V O T E D: to approve Estimate No. 10 (Final), in the amount of $24,545.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of 7,454.60, for payment

2. Report of Messrs. Faucher, DiPietro and Galvin, November 25, recommending approval of revisions in quantities on the following items on Contract No. P94-1713-C1A, with Jay Cashman, Inc., for Wollaston Beach Seawall Rehabilitation in Quincy –

Item No. 003-070 – Crushed Stone	- $ 90,000.00
Item No. 003-100 – 1.5 Ton Rip Rap Armor	- $276,000.00
Item No. 003-010 – Unclassified Excavation	- $ 35,000.00
Total	- $401,000.00

Funding from Account No. 2440-7993.
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher, DiPietro and Galvin, November 26, recommending approval of Amendment No. 4, for an extension of time from December 31, 2002 to December 31, 2005, on Contract No. P80-0844-D4A, with SEA Consultants, for Beaver Brook Flood Mitigation Project – Reaches II and III, for completion of design and construction phase services.
The Commission V O T E D: Approved

1. Report of Messrs. Faucher and Griffin, November 23, recommending the following on Contract No. P02-2158-C1A (Agency Master Service Agreement) for Emergency Bridge Repairs – with NEL Corporation –
(a) Assignment No. 1, for repairs to the Boston University Bridge – Contract Items Utilized in Assignment No. 1 – at a cost of $2,873.00.
(b) Ratify the actions taken by Deputy Commissioner Faucher resulting in Extra Work Order No. 1 – at a cost of $81,154.59.
(c) Approval of payment in the sum of $84,027.59 to NEL Corporation.
Funding from Account No. 2490-8881.
The Commission V O T E D: to approve Assignment No. 1, for repairs to the Boston University Bridge – Contract Items Utilized in Assignment No. 1 – at a cost of $2,873.00.
The Commission further V O T E D: to ratify the actions taken by Deputy Commissioner Faucher which resulted in Extra Work Order No. 1.
The Commission further V O T E D: to approve Extra Work Order No. 1, at a cost of $81,154.59.
The Commission further V O T E D: to approve payment in the sum of $84,027.59 to NEL Corporation, as recommended by Messrs. Faucher and Griffin in their report of November 23, 2002.

2. Report of Messrs. Faucher and Lenhardt, November 14, recommending approval of Amendment No. 9 – for an extension of time from January 2, 2003 to April 2, 2003, on Contract No. P93-1672-D1A, with Simpson, Gumpertz & Heger, Inc., for Professional Engineering Services for Bridges, Parkways and Other Commission Facilities.
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Lenhardt, November 19, recommending approval of Extra Work Order No. 19 – for emergency work to free frozen bearings on the southwest leaf – at a cost of $9,355.58, on Contract No. P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston.
Funding from Account No. 2490-2001.
The Commission V O T E D: to approve Extra Work Order No. 19, in the amount of $9,355.58.

4. Report of Messrs. Faucher and Kirwin and Mrs. Graves Jones, December 2, recommending approval of an extension of time from December 1, 2002 to May 1, 2003, on Contract No. P02-2170-M1A, with Hi-Way Safety Systems, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC.
(At no additional Contract cost).
The Commission V O T E D: to approve of an extension of time from December 1, 2002 to May 1, 2003, as recommended by Messrs. Faucher and Kirwin and Mrs. Graves-Jones, in their report of December 2, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

Action was taken upon the following matters relating to the Office of General Counsel:

1. Report of Mr. Collette, November 26, recommending that the Commission adopt an Order of Taking for acquisition of approximately 10.81 acres of land owned by Richard D. Swindells and Ann G. Swindells, located in the Town of New Salem, Massachusetts, and to approve an award of damages in the amount of $95,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 10.81 acres of land owned by Richard D. Swindells and Ann G. Swindells, located in the Town of New Salem, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, December 5, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996, Chapter 236 of the Acts of 2002, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of New Salem in the County of Franklin and Commonwealth of Massachusetts, namely:

Two certain parcels or tracts of land lying on and off of the southeasterly Record Layout Line of Daniel Shays Highway-Route 202, at the intersection of two town ways known as Freeman Road and Whitaker Road, more particularly bounded and described as follows:

Parcel 1

A certain tract of land, lying on the southeasterly side of Daniel Shays Highway-Route 202, the northeasterly line of Freeman Road, and the northwesterly line of Whitaker Road, at their intersections, more particularly bounded and described as follows:

Beginning at a 1 ½ inch iron rod found at a point in the southeasterly line of the 1934 Massachusetts State Highway Record Layout of Daniel Shays Highway-Route 202, said rod being located between Stations 786 and 795, and marking the southwesterly corner of the abutting triangular lot, now or formerly, of the late Arthur W. Giroux and Alice G. Giroux (see the 1958 deed recorded with Franklin District Registry of Deeds at Book 1087, Page 433, and see the taking plan for said highway layout entitled “Commonwealth of Massachusetts, Metr. Distr. Water Supply Commission, Quabbin Reservoir, Plan N0. S-22 of Land Takings Under Chapter 321, Acts and Resolves of 1927”, dated August 4, 1933, signed by Frank E. Windsor, Chief Engineer and recorded with said Deeds on August 18, 1933 in Plan Book 10, Page 40);

Thence Southwesterly, by the record highway layout, along the arc of a curve to the right, having a radius of 2188.79 feet, an arc distance of 274.18 feet, to a point of tangency, at a pin in a 10" by 10" granite stone bound found at the southeasterly corner of the intersection with Freeman Road (see the Plan entitled Town of New Salem Mass. Property of Henry D. Freeman et al, Acquired for Highway Purposes, 1934, being the Record Layout of Freeman Road, recorded with said Deeds in Plan Book 10 at Pages 10 & 11, and see also the deed dated 11/24/1934 from Henry D. Freeman et al to the Town of New Salem recorded with said Deeds at Book 789, Page 104);

Thence S. 03° 30' 54" E., 104.24 feet, by the easterly line of Freeman Road, to a point at a pin in an 8" by 8" granite stone bound found marking the layout of said road;

Thence S. 25° 15' 30" E., 567.96 feet, more or less, by the easterly layout line of Freeman Road, to a point in another stone bound found at the point of intersection of the easterly line of Freeman Road with the northwesterly line of Whitaker Road;

Thence Northeasterly, 194.71 feet, more or less, by the northwesterly line of Whitaker Road, to a point therein, in the thread of a brook (there is no record layout of Whitaker Road);

Thence Northeasterly, 312.47 feet, more or less, by the northwesterly line of Whitaker Road, to a 5/8 inch iron rod found at the end of a stone wall, marking the southernmost corner of the abutting land, formerly of Gilbert T. Lyman et ux, now or formerly, of David L. Lyman et al (see Franklin County Probate No. 89P0364-A1 and the 1944 deed recorded with said Deeds at Book 880, Page 89);

Thence N. 07° 20' 29" W., 430.27 feet, by and through the stone wall and running easterly of other wall remains, to an MDC concrete bound set at the southernmost corner of other land, formerly of Gilbert T. Lyman et ux, late of David L. Lyman et al, now of the Commonwealth of Massachusetts, MDC (see the order of taking dated 7/22/1993 recorded with said Deeds on 8/20/1993 at Book 2809, Page 205 and see also the plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, NEW SALEM (FRANKLIN COUNTY) MA, LAND TAKING PLAN FOR WATERSHED PROTECTION", dated June 1, 1993, prepared by C.T. Male Associates, P.C., Richard L. Woods, R.P.L.S. No. 26107, which plan is recorded with said Deeds in Plan Book 86, Page 80);

Thence Southwesterly, 279.68 feet, by the southeasterly line of the abutting aforementioned land, now or formerly, of Alice G. Giroux, to the first mentioned 1 ½ inch iron rod in the southeasterly line of Daniel Shays Highway-Route 202, being the point and place of beginning.

Containing 6.42 acres, more or less, by estimate.

Parcel 2

A certain tract of land, lying on the southeasterly and easterly sides of Whitaker Road, and southerly and across Whitaker Road from the tract described above as Parcel 1, more particularly bounded and described as follows:

Beginning at a point in the easterly line of Whitaker Road, in a 16 inch birch tree, at the southwesterly corner of the parcel herein being described, and at the northwesterly corner of the abutting tract, formerly of Emers H. Bernard, later of John R. Dec et ux & Anthony D. Amato et ux, and now or formerly, of Henry L. Cramer et al (see the deed dated 1/11/1993 from Anthony D. Amato to Henry R. Cramer et al, recorded with said Deeds at Book 1345, Page 310), said point being located S. 81° 33’ 18” W., 5.00 feet from an MDC concrete bound set on the property line in June 1995 during the preparation of a plan of the Cramer property entitled “Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, NEW SALEM (FRANKLIN COUNTY) MA, LAND TAKING PLAN FOR WATERSHED PROTECTION”, dated June 9, 1995, prepared by Almer Huntley, Jr. & Associates, Inc., David T. Huntley, P.L.S. No. 35401, which plan depicts those portions of the Cramer property subject to an MDC conservation restriction as set forth in the order of taking dated 12/7/1995 and recorded with said Deeds on 1/5/1996 at Book 3068, Page 329.

Thence N. 81° 33’ 18” E., 362.84 feet, by the northerly line of land, now or formerly, of Henry R. Cramer et al, to a point in a 10 inch oak tree, at the southeasterly corner of the parcel herein being described, and the southwesterly corner of the abutting lot, formerly of one Chamberlain, now or formerly, of Glen T. & Rose M. Lyman (see the deed recorded with said Deeds at Book 1511, Page 336);

Thence Northerly, 353.01 feet, more or less, by the westerly line of land, now or formerly, of G.T. & R.M. Lyman, to a point;

Thence Northerly, 401.04 feet, more or less, by the westerly line of land, now or formerly, of Lyman, to a point in the southeasterly line of Whitaker Road, at the northernmost corner of the parcel herein being described;

Thence Southwesterly, 251.03 feet, more or less, by the southeasterly line of Whitaker Road, to a point in the thread of the same stream or brook mentioned above in the description of Parcel 1 above;

Thence Southwesterly, 220.0 feet, more or less, by the southeasterly line of Whitaker Road, to a point at an angle in the road layout, opposite its intersection with Freeman Road;

Thence Southerly, about 430 feet, more or less, by the easterly line of Whitaker Road, to the 16 inch birch tree first mentioned, at the northwesterly corner of land, now or formerly, of Henry L. Cramer et al, being the point and place of beginning.

Containing 4.391 acres, more or less, by estimate.

Note that there is an unrecorded plan depicting at least a portion of the above described premises entitled "Plan Of Land In New Salem, Massachusetts Surveyed For Donald P. Reutlinger", dated 12/18/1989 and prepared by Almer Huntley Jr. & Associates, Inc.

The total area of the parcels taken herein and hereby is estimated to be 10.811 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Daniel Shays Highway-Route 202, and/or Freeman Road and/or Whitaker Road which may be held by the supposed owners as a result of their ownership of the above described parcels, and being the easterly portion of the same premises described in a deed from Karen A. Reutlinger to Richard D. Swindells and Ann G. Swindells, dated 5th July 2001 and recorded with Franklin District Registry of Deeds at Book 3809, Page 308.

The above-described property is represented upon New Salem Tax Map 404 as Parcels 56 and 65.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Richard D. Swindells Ann G. Swindells	$ 95,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $95,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.

1. Report of Mr. Collette, December 2, recommending that the Commission adopt an Order of Taking for acquisition of approximately 18 acres of land owned by David B. Kaplan, located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of $490,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 18 acres of land owned by David B. Kaplan, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, December 5, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 236 of the Acts of 2002, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain tract or parcel of land situated in the easterly part of the said Town of Holden, on the southerly line of the 1972 Worcester County Commissioners Record Layout of Manning Street and containing 18.2 acres, more or less, as shown upon a survey plan referenced at the conclusion of this description, more particularly bounded and described as follows:

Beginning at a point in a curve forming the southerly line of the 1972 Record Layout of Manning Street (See Worcester County Commissioners Decree No. 2459, dated March 9, 1972, recorded with Worcester District Registry of Deeds at Book 5204, Page 51 and the accompanying Plan No. H-4191-R recorded therewith as Plan 36 in Plan Book 361), said point being in the northwesterly corner of the parcel herein being described, and the northeasterly corner of the abutting land, now or formerly, of Donald C. & Linda M. Whitney (see the deed recorded with Worcester District Registry of Deeds at Book 7139, Page 310 and see also the plan cited therein recorded as Plan 60 in Plan Book 482) in the northerly end of the stone wall delineating the property line between the two parcels, said point being further located as lying 670.15 feet Southwesterly of a Worcester County Highway bound found in the frontage of the

reserved and excluded Parcel A, the remaining unrestricted land, now or formerly, of David B. Kaplan, as measured along the southerly line of said Record Layout;

Thence S. 04° 47' 59" W., 565.63 feet, partially by land, now or formerly, of Donald C. & Linda M. Whitney, and partially by land, now or formerly, of Mark M. & Ronda M. Coccio (see the deed recorded with said Deeds at Book 19654, Page 160), and by the stone wall, to a point therein, at a stone wall corner;

Thence S. 04° 14' 10" W., 255.26 feet, by land, now or formerly, of M.M. & R. M. Coccio, and by the wall, to a point therein;

Thence S. 05° 27' 47" W., 269.61 feet, partially by land, now or formerly, of M.M. & R.M. Coccio, and partially by land, now or formerly, of Roger D. Spaulding & Carolyn R. Downer (see the deed recorded with said Deeds at book 8959, Page 318 and see also the plan referenced therein recorded as plan 43 in Plan Book 540), running by the wall, across the gap therein made by Springdale Road, and continuing by the southerly section of the wall, to a point at its southerly terminus;

Thence S. 04° 56' 10" W., 306.21 feet, by land, now or formerly, of R.D. Spaulding & C.R. Downer, to a stone bound found at a corner of land, formerly of James Dorr, and now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the order of taking of the Metropolitan Water & Sewer Board dated 12/27/1907, recorded with said Deeds on 12/31/1907 at Book 1870, Page 442, and see the accompanying plan recorded therewith in Plan Book 13 at Page 85);

Thence S. 89° 15' 54" E., 489.20 feet, by land of the Commonwealth of Massachusetts, MDC, to another stone bound found at another corner, said corner and bound being in or near the southwesterly line of Springdale Road;

Thence N. 04° 46' 19" E., 557.75 feet, by the abutting land of the Commonwealth of Massachusetts, MDC, running along and into another stone wall and to another stone bound found at another corner therein;

Thence S. 89° 36' 44" E., 464.23 feet, by land, of the Commonwealth of Massachusetts, MDC, to another stone bound found at a corner, and in the westerly line of abutting land, late of Robert R. & Joan A. Lomax, now or formerly, of Paula Dromiewicz & Thomas Wagg (see the deed recorded with said Deeds at Book 23829, Page 228, and see also the plan referenced therein, recorded as Plan 17 in Plan Book 733);

Thence N. 04° 18' 54" E., 605.16 feet, by the easterly line of land, now or formerly, of P. Dromiewicz & T. Wagg, running along and into another stone wall, to a point therein at the northeasterly corner of the parcel being described herein, and the

southeasterly corner of the abutting land, now or formerly, of Bolster (see the deed recorded with said Deeds at Book 11755, Page 1);

Thence	S. 85° 40' 06" W., 151.74 feet, partially by the aforesaid land, now or formerly, of Bolster, and partially by other abutting land now or formerly, of Bolster (see the deed recorded with said Deeds at Book 5235, Page 94), to a point near an iron pipe or pin found, at the southwesterly corner of this second abutting Bolster lot, and at the southeasterly corner of Parcel A, other land, now or formerly, of Kaplan, and specifically excluded from the provisions of this order and reserved to him, his heirs and assigns;
Thence	S. 76° 00' 00" W., 733.41 feet, by the southeasterly line of the excluded and reserved Parcel A, to a point at its southwesterly corner;
Thence	N. 04° 47' 59" E., 437.19 feet, by the westerly line of the reserved and excluded Parcel A, to a point in the southerly line of Manning Street;
Thence	Southwesterly, by the southerly line of the Record Layout of Manning Street, along the arc of a curve to the right, having a radius of 1030.00 feet, an arc distance of 100.93 feet, to a point of tangency, said point being in the northerly terminus of the first mentioned stone, at land, now or formerly, of D.C. & L.M. Whitney, being the point and place of beginning.

Containing 18.2 acres, more or less, as shown as Parcel B (Area To Be Restricted) upon a plan entitled "Plan of Land Prepared For David B. Kaplan 555 Manning Street Jefferson (Holden), Massachusetts", dated December 2, 2002, prepared by Thompson-Liston Associates, Inc., which plan shall be recorded with Worcester District Registry of Deeds, at a later date, and be made a part of this order.

The aforementioned parcel is supposed to be owned by the following owner:

OWNER	RESTRICTION AREA TAKEN
David B. Kaplan	18.2 acres, more or less

The above described property is represented upon Holden Assessors Tax Maps as most of Parcels 1 and 2 on Map 67. [Note that the property represented as Parcel 9 on Map 67 appears to be land, now or formerly, of Spaulding, not Kaplan.]

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being most of the same premises described in four deeds, the first, from Charlotte Kaplan and Jeremiah (Jerry) Kaplan to David Kaplan, dated 29th December 1984 and recorded with Worcester District Registry of Deeds at Book 8551, Page 90, the second, from Charlotte Kaplan, Jeremiah (Jerry) Kaplan and David Kaplan to David Kaplan, dated 1st February 1985 and recorded with said Deeds at Book 8683, Page 115, the third, from Robert Andrew Larsen to

David B. Kaplan, dated 9th May 1985, and the fourth, from Ann Kaplan Fippinger and David Kaplan, executors under the will of Jeremiah Kaplan (See Worcester County Probate Case Nos. 94P1115 and 93P3327-EP1) to David Kaplan, dated 21st September 1994 and recorded with said Deeds at Book 16602, Page 267.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcels of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads, ways, paths or portions thereof, shall be permitted on said premises.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted.

3. The use of the above described premises, or any portion thereof, herein and hereby restricted, shall not be used to satisfy zoning requirements for the development of any adjoining unrestricted land.

4. No septic systems or leach fields shall be permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

6. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers shall be permitted.

7. No tillage shall be permitted.

8. No grazing or sheltering of livestock or animals shall be permitted.

9. No commercial recreational use shall be permitted, and no motorized or vehicular recreational use by the landowners or the public shall be permitted.

10. No commercial timber harvesting shall be permitted, unless such harvesting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management.

11. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same, but does not grant the public any such rights. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owner, including the right to privacy.

Exceptions

1. The placement of fences that do not interfere with the operation of this watershed protection restriction and conservation easement shall be permitted with the guidance of the MDC Division of Watershed Management.

2. Maintenance of current unpaved paths and creation of additional unpaved paths for the purposes of walking and timber harvesting pursuant to paragraph 8 above shall be permitted.

3. Pesticides and herbicides may be used to control toxic or invasive species or destructive infestations under the guidance of an MDC wildlife biologist or other appropriate MDC staff member.

4. Motorized vehicular use will be allowed to maintain the land in its current state and to support any timber harvesting operation pursuant to paragraph 8 above.

The Commission awards damages sustained by the owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
David B. Kaplan	$490,000

The Commission further V O T E D: to approve an award of damages in the amount of $490,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

1. Report of Mr. Gray, December 2, recommending that the Commission adopt an Order of Taking for acquisition of a watershed preservation restriction on approximately 135 acres of land owned by Weyman I. Lundquist and Joan Swanson a/k/a Joan F. Swanson, located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of $943,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.

Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of a watershed preservation restriction on approximately 135 acres of land owned by Weyman I. Lundquist and Joan Swanson a/k/a Joan F. Swanson, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, December 5, 2002

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 236 of the Acts of 2002, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain tract or parcel of land situated in the westerly part of the said Town of Holden, on the southerly side of the road from Holden to Paxton, formerly known as Dodd Road, now known as Kendall Road, more particularly bounded and described as follows:

Beginning at a drill hole in a base stone, in the wall marking the southerly line of Kendall Road, said drill hole being the monument set to mark the northeasterly corner of land, formerly of the late Ivan H. Lundquist & the late Florence C. Lundquist, now or formerly, other land of Weyman I. Lundquist & Joan L. Swanson (see the deed dated 9/27/1966, recorded with Worcester District Registry of Deeds at Book 4716, Page 304, and see also the Worcester County Probate Case No. 87P3694-E1 and Case No. 95PR3044-EP1), said drill hole being located at the northwesterly corner of the parcel herein being described, and being located N. 67° 45’ E., 164.61 feet, as measured along the southerly line of Kendall Road, from a stone monument located in the northeasterly corner of land, formerly of Lewis Martin, and now, supposed to be, of the City of Worcester;

Thence S. 10° 06’ E., 258.48 feet, by the easterly line of said abutting lot, to an iron pipe at its southeasterly corner;

Thence S. 67° 45’ W., 166.48 feet, by the southerly line of said abutting lot, to another iron pipe at the southwesterly corner thereof, said pipe being in the easterly line of land, formerly of Lewis Martin and now, supposed to be, of the City of Worcester;

Thence S. 13° E., 172.62 feet, more or less, by land, now, supposed to be, of the City of Worcester, to a point at an angle in the line;

Thence S. 14° W., 1295 feet, more or less, by other land, now, supposed to be of the City of Worcester, to a point at a corner;

Thence S. 81° E., 297 feet, more or less, by land, formerly of Moses B. Smith, and now, supposed to be, of the City of Worcester, to a point in another corner;

Thence S. 14° W., 457 feet, more or less, by the abutting land last cited above, to another point in an angular corner, at land, formerly of Leonard Gleason, now, supposed to be, of the City of Worcester;

Thence N. 74° 43' E., 156 feet, more or less, by land, formerly of said Leonard Gleason, to the remains of a stake & stones at another corner;

Thence S. 16° 07' E., 124 feet, more or less, by the northeasterly line of land, formerly of L. Gleason, to a point in the northwesterly corner of land, formerly of Nellie M. Davis, and now, of the supposed owners listed below, and being a portion of the larger parcel being described and restricted herein;

Thence Southeasterly, on the same, or nearly the same bearing, about 666 feet, more or less, by estimate, by the northeasterly line of land, formerly of Stephen Hall, or others, now, supposed to be, of the City of Worcester, to a point in a corner at which a hemlock tree once stood, being the northwesterly corner of land, formerly of Leonard Gleason, or others, now, land of the supposed owners listed below, and being a portion of the larger parcel being described and restricted herein, said corner being also the northeasterly corner of the abutting lot to the west, land, formerly of Edward Kendall, now or formerly, supposed to be, of M.E. Larson et al;

Thence Southeasterly, but a bit more to the west, about 29 rods, or 478.5 feet, more or less, by the easterly line of land, now or formally, supposed to be, of M.E. Larson et al, to a point in the southwesterly corner of the parcel being described and restricted herein, said corner having been formerly marked by a hackmatack (tamarack) tree, and later a stake in the swamp, said corner being the northwesterly corner of other abutting land, formerly, of A.G. & E. J. Davis, now or formerly, supposed to be, of M.E. Larson et al;

Thence Westerly, 75 rods or 1237.5 feet, more or less, by deed description, but 1670 feet, more or less, by current estimation, by the northwesterly line of land, now or formerly, supposed to be, of M.E. Larson et al, to the remains of a stake & stones at a corner, being the southernmost corner of land, formerly, of the

Leonard Gleason Estate & Orville Packard, now or formerly, supposed to be, of the Wachusett District Realty, Inc.;

Thence Northwesterly, 41 rods or 676.5 feet, more or less, by the southwesterly line of the last cited abutting lot, to the remains of a stake & stones at the easternmost corner of land, formerly, of the John Holden heirs, (which lot was referenced above as formerly of Nellie M. Davis), now of the supposed owners listed below, and being a portion of the larger parcel being described and restricted herein;

Thence Northwesterly, on the same or nearly the same bearing, about 373.5 feet, more or less, by estimate, by land, formerly of Leonard Fales, or others, cited above as land, now or formerly, supposed to be, land of the Wachusett District Realty, Inc.;

Thence N. 48° 15' E., 224 feet, more or less, by the northwesterly line of land, formerly, of John Holden, cited above as land, now or formerly, supposed to be of Wachusett District Realty, Inc., to a point at an angle in the line, at the westernmost corner of abutting land, now or formerly, supposed to be, of the Wachusett Regional School District;

Thence N. 51° 15' E., 648 feet, more or less, by land, now or formerly, supposed to be, of the Wachusett Regional School District, to a point at a corner;

Thence N. 44° W., 450 feet, more or less, partially by land, now or formerly, supposed to be, of the Wachusett Regional School District, and partially by other land, now or formerly, of the supposed owners listed below, specifically excluded from the provisions of this order and reserved to said owners, their heirs and assigns, and running to a point at an angle in the property line;

Thence N. 13° E., by estimate, about 915 feet, more or less, by other land, now of formerly, of the supposed owners listed below, specifically excluded from the provisions of this order and reserved to said owners, their heirs and assigns, and running to a point in the parcel line, located S. 87° 30' W., 164 feet from the parcel corner, within the excluded portion of the premises being described herein;

Thence N. 25° 30' W., 50 feet, more or less, by the other reserved and excluded abutting land, now or formerly, of the supposed owners listed below, to a point located 100 feet southeasterly, as measured along the property line, from the southeasterly corner of land, located at # 80 Kendall Road, now or formerly, supposed to belong to Richard F. & Joan L. Swanson;

Thence Southwesterly, about 480 feet, more or less, by estimate, along a line parallel with and 100 feet southeasterly of the rear and southeasterly line of the above cited lot located at # 80 Kendall Road;

Thence Northwesterly, about 775 feet, more or less, by estimate, along a line parallel with and 100 feet southwesterly of the southwesterly line of another lot, now or formerly, supposed to be, of Richard F. & Joan L. Swanson, this second lot lying parallel to and 50 feet southwesterly from the first 'Swanson lot' cited above, and running to a point in the southeasterly line of Kendall Road;

Thence S. 50° 15' W., 45.61feet, more or less, by the southeasterly line of the road to a point therein;

Thence S. 64° 13' W., 446 feet, more or less, by the southeasterly line of the road, to a point therein;

Thence S. 64° 45' W., 308.39 feet, more or less, by the southeasterly line of Kendall Road, to the first mentioned drill hole in the base stone, at the northwesterly corner of land, formerly, of the late Ivan H. & Florence C. Lundquist, being the point and place of beginning.

Containing 134.68 acres, more or less, as shown upon a sketch plan entitled "Metropolitan District Commission, Conservation Restriction Exhibit Plan of Weyman Lundquist Property off Kendall Road, Holden, Massachusetts", dated November 8, 2002, prepared by Matlock Associates, Warren F. Flint, Jr., at a scale of 1"= 600', which plan is appended hereto to be incorporated herein, and be made a part of this order.

Note that the above description is a compiled description and may contain certain errors in measurement and compass bearings contained in the source deeds used in the construction of the metes and bounds set forth above, and that certain errors based upon misleading or inaccurate information contained on Holden Assessors Maps may also be contained herein.

The aforementioned parcel is supposed to be owned by the following owners:

OWNERS	RESTRICTION AREA TAKEN
Weyman I. Lundquist Joan F. Swanson	134.68 acres, more or less

The above described property is represented upon Holden Assessors Tax Maps as all of Parcel 1 and most of Parcel 5 on Map 128 and all of Parcels 1 and 3 on Map 144.

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being most of the same premises described in two deeds, and being all of the same premises described in the first deed from William C. Baker, individually and as Trustee for C.

Bradford Newell, Nathan Bascom, and George Lyman, by power conferred by trust recorded in Worcester District Registry of Deeds Book 3034, Page 240, and the said C. Bradford Newell, Nathan Bascom and George Lyman, individually, to Ivan H. Lundquist and Florence C. Lundquist, dated 22nd January 1975 and recorded with Worcester District Registry of Deeds at Book 5675, Page 239, and being most of the 2nd and 3rd parcels described in the second deed, from Joan D. Lundquist to Weyman I. Lundquist, dated 7th December 1979 and recorded with said Deeds at book 6879, Page 74. (SEE ALSO Worcester County Probate Case No. 87P3694-E1 for the probate of the Estate of Ivan H. Lundquist, died May 26, 1987, and Case No. 95PR3044-EP1 for the probate of the Estate of Florence C. Lundquist, died July 2, 1995.)

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcels of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads, ways, paths or portions thereof, shall be permitted on said premises.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted.

3. The use of the above described premises, or any portion thereof, herein and hereby restricted, shall not be used to satisfy zoning requirements for the development of any adjoining unrestricted land.

4. No septic systems or leach fields shall be permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

6. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers shall be permitted.

7. No tillage shall be permitted.

8. No grazing or sheltering of livestock or animals shall be permitted.

9. No commercial motorized vehicular recreational use by the public shall be permitted.

10. No commercial timber harvesting shall be permitted, unless such harvesting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management.

11. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same, but does not grant the public any such rights. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owners, including the right to privacy.

Exceptions

1. The placement of kiosks, benches, fences and other such improvements designed to enhance programmatic and interpretive needs for this site, and that do not interfere with the operation of this watershed protection restriction and conservation easement, shall be permitted, with the guidance of the MDC Division of Watershed Management.

2. Maintenance of current unpaved paths and creation of additional unpaved paths for the purposes of public recreational use, land management and maintenance, and timber harvesting shall be permitted.

3. Pesticides and herbicides may be used to control toxic or invasive species or destructive infestations under the guidance of an MDC wildlife biologist or other appropriate MDC staff member.

4. Motorized vehicular use will be allowed to maintain the land in its current state and to support timber harvesting.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Weyman I. Lundquist Joan F. Swanson	$943,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $943,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.

Adjourned at 9:35 a.m., to meet on Thursday, December 12, 2002 at 9:00 a.m.

Secretary

Record of the Four Thousand Fifty Third (4053rd) Meeting of the Metropolitan District Commission duly called and held at MDC Headquarters Building, 20 Somerset Street, Boston, Massachusetts, on Thursday, December 12, 2002.

As Commissioner Balfour was not available for today's Meeting, pursuant to Massachusetts General Laws, Chapter 28, Section 3 and Chapter 30, Section 6, he delegated Associate Commissioner Elkort, as Acting Commissioner for today's Meeting.

Present, Acting Commissioner Elkort, and Associate Commissioners Anzuoni, Kahalas and Rollins.

The Records of the Commission Meeting held on November 21, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Thurlow, December 6, requesting approval of a revision in quantity on Item No. 002-002 – Additional Planting – at a cost of $32,492.00, on Contract No. P92-1628-C9A, with Northern Trees Service for, 2000 and 2001 Parkway Landscape Improvements.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item Nos. 002-004 – Pin Oaks, 002-005 – Red Oaks, 002-012 – Sycamores, 002-017 – Loam for Planting, 002-018 – Turf Renovations and 002-019 – Traffic Allowance).
The Commission V O T E D: Approved

2. Report of Messrs. Faucher and Kirwin, December 4, recommending approval of Amendment No. 3, for an extension of time from January 31, 2003 to July 1, 2003 on Contract No. P96-1823-D1A, with Bruce Campbell & Associates, Inc., for Professional Traffic Engineering Services, in order to maintain the services while the Commission completes process of selecting a new Consultant.
(Funds available in Account No. 2444-9001).
The Commission V O T E D: Approved

3. Report of Messrs. Faucher, DiPietro and Galvin, November 25, on bids for Construction of Sewer Connections at the Leo J. Martin Golf Course in Newton and Camp Nihan in Saugus, Contract No. P00-2022-C3A.
(Messrs. Faucher, DiPietro and Galvin recommend acceptance of the lowest corrected bid received, that of D'Allesandro Corp., of $469,675.66).
The Commission V O T E D: to accept the lowest corrected bid received, that of D'Allesandro Corp., of $469,675.66.

4. Report of Messrs. Faucher, Misslin and Balicki, November 22, requesting that the Commission rescind its votes of September 26, 2002 authorizing the solicitation of proposals for Contract Nos. P03-2187-C1A – for Floor Drains, Miscellaneous Projects at Four MDC Locations and P03-2188-C1A, for Floor Drains, Blue Hills Maintenance, Blue Hills Reservation,

Milton/Canton, due to a late submittal by one interested party and the other bids were in excess of the approved amount for each site.
Messrs. Faucher, Misslin and Balicki further request that the projects be combined and readvertised as Project No. P03-2195-C1A, Floor Drains, Sewer and Tanks, Various MDC Sites.
Estimated Cost - $52,700.00.
Time for Performance – estimated at eight weeks.
Funding from Account No. 2440-4994,
The Commission V O T E D: to rescind its votes of September 26, 2002 authorizing the solicitation of proposals for Contract Nos. P03-2187-C1A – for Floor Drains, Miscellaneous Projects at Four MDC Locations and P03-2188-C!A, for Floor Drains, Blue Hills Maintenance, Blue Hills Reservation, Milton/Canton, as requested by Messrs. Faucher, Misslin and Balicki in their report of November 22, 2002.
The Commission further V O T E D: that the projects be combined and readvertised as Project No. P03-2195-C1A, Floor Drains, Sewer and Tanks, Various MDC Sites.

1. Report of Messrs. Faucher, Misslin and Balicki, December 5, recommending approval of an extension of time from November 18, 2002 to December 13, 2002, on Contract No. P02-2176-C1A, with TAB Engineering, Inc., for Replacement of Rink Bed Piping and Refrigeration Equipment, Allied Veterans Rink, Somerville.
The Commission V O T E D: to approve an extension of time from November 18, 2002 to December 13, 2002, as recommended by of Messrs. Faucher, Misslin and Balicki, in their report December 5, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation

2. Report of Messrs. Faucher, Misslin and Kane, December 11, requesting approval of an extension of time from December 16, 2002 to April 15, 2003, on Contract No. P02-2171-C1A, with Shaw Construction Corp., for Reconstruction of the Bernie King Pavilion, Nantasket Beach, due to the need for additional work.
The Commission V O T E D: to approve an extension of time from December 16, 2002 to April 15, 2003, as requested by Messrs. Faucher, Misslin and Kane in their report of December 11, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation

Meeting of 01.09.03 Commission VOTED to amend vote by removing 'on condition that no further request will be made for additional compensation' and inserting in its place 'subject to the approval by the Commission of any and all requests for additional compensation.'

Action was taken upon the following matter relating to the Division of Watershed Management:

3. Report of Mr. McGinn, December 4, requesting approval of Amendment No. 8, for an extension of time from December 31, 2002 to June 30, 2003, on Contract No. WM94-003-D1A, with Lichtenstein Consulting Engineers, for Remedial Repairs/Improvements for Public Safety Considerations Beaman Street Bridge, West Boylston, to allow for construction of the project.
(At no increase in Contract cost).
The Commission V O T E D: Approved

Action was taken upon the following matters relating to the Office of General Counsel:

1. Report of Mr. Collette, December 9, recommending that the Commission ratify the vote of the Commission at its meeting on August 1, 2002, and authorize the grant of a license for parking purposes on a portion of the property acquired from 2 Lynn Fells Parkway, LLC on August 21, 2002, to Robert J. McAree and Carla McAree, as Trustees of RCM One Realty Trust, subject to the provisions of the attached License Agreement to be executed by the Commission.
The Commission V O T E D: to Commission ratify the vote of the Commission at its meeting on August 1, 2002, and authorize the grant of a license for parking purposes on a portion of the property acquired from 2 Lynn Fells Parkway, LLC on August 21, 2002, to Robert J. McAree and Carla McAree, as Trustees of RCM One Realty Trust, subject to the provisions of the attached License Agreement to be executed by the Commission, as recommended by Mr. Collette in his report of December 9, 2002.

2. Report of Mr. Collette, December 2, recommending that the Commission approve plans for the redevelopment of a parcel of land on Route 138 in the Town of Canton as presented to the Commission pursuant to the conservation easement acquired from Ellen C. Vickerson on July 18, 1985, and authorize Mr. Patrick Flynn, as South Region Supervisor of the Reservations and Historic Sites Division, to execute an agreement approved by the Office of the General Counsel regarding this redevelopment on behalf of the Commission.
The Commission V O T E D: Held Over.

3. Report of Mr. Gray, December 9, recommending that the Commission adopt an Order of Taking for acquisition of approximately 11.42 acres of land owned by Mark L. Tomaiolo, located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of $180,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 11.42 acres of land owned by Mark L. Tomaiolo, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, December 12, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996, Chapter 236 of the Acts of 2002, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of

the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain tract, parcel or lot of land situated in the northerly part of the said Town of Holden, lying on the southeasterly side of the town road leading from Holden to Sterling, known as Sterling Road, and shown as Lot 1A upon a plan recorded with Worcester District Registry of Deeds as Plan 102 in Plan Book 788, which plan is more fully cited at the conclusion of this description, said lot being more particularly bounded and described as follows:

LOT 1A

Beginning at a point in the southeasterly line of Sterling Road, said point being in the southwesterly corner of the lot being described herein, and delineated by a Town Bound Stone Monument found marking the Holden-Sterling Corporate Line, said bound also marking the northwesterly corner of the abutting land, in Sterling, now or formerly, of Sterling Heights Builders (see the deed recorded with said Deeds at Book 15866, Page 389 and the plan recorded as Plan 7 in Plan Book 683);

Thence S. 05° 58’ 00” E., 455.36 feet, by the Holden-Sterling Corporate Line and land, now or formerly, of Sterling Heights Builders, to a point at an MDC concrete bound found 0.20 feet off line, at the northwesterly corner of land, formerly of George & Joseph Kristoff et al, now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the order of taking dated 08/08/1998 recorded with said Deeds on 09/04/1998 at Book 20389, Page 120);

Thence S. 05° 58’ 00” E., 770.43 feet, by the Holden-Sterling Corporate Line and land, now of the Commonwealth of Massachusetts, MDC, to a drill hole found in a rock;

Thence S. 05° 58’ 00” E., 494.17 feet, by the Holden-Sterling Corporate Line and land, now of the Commonwealth of Massachusetts, MDC, to a point at the easternmost and rear corner of the lot being described herein;

Thence S. 48° 27’ 25” W., 781.98 feet, by the land, formerly of Kristoff et al, now of the Commonwealth of Massachusetts, MDC, to a point at another corner of the lot being described herein, said point being also in the southeasterly corner of the abutting land, now or formerly, of Robert L. Arsenault (see the deed recorded with said Deeds at Book 9870, Page 129 and see also the plan cited therein recorded as Plan 62 in Plan Book 562);

Thence N. 27° 49’ 41” W., 339.93 feet, by the northeasterly line of land, now or formerly, of R. L. Arsenault, to a point at the southwesterly corner of other land, now or formerly, of the supposed owner listed below, shown as Lot 7 upon the above cited Plan 102 in Plan Book 788;

Thence	N. 35° 57' 25" E., 991.55 feet, by the southeasterly and rear lines of Lots 7, 6, 5, 4, 3A and 2B, as shown upon the last cited plan, being other land, now or formerly, of Mark L. Tomaiolo, to a point in another corner;
Thence	N. 05° 29' 50" W., 1036.24 feet, by the easterly line of Lots 2B and 2A, other land, now or formerly, of M.L. Tomaiolo, to a point in the southeasterly line of Sterling Road;
Thence	N. 41° 01' 09" E., 125.29 feet, by the southeasterly line of Sterling Road to the first mentioned Town Stone Bound, being the point and place of beginning.

Containing 497,409.25 square feet, or 11.42 acres, more or less, as shown as Lot 1A upon a plan entitled "Plan of Land Prepared For Mark L. Tomaiolo", dated November 11, 2002, prepared by Robert D. O'Neil, Jr., P.L.S. No. 39400, which plan is recorded with Worcester District Registry of Deeds as Plan 102 in Plan Book 788.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Sterling Road, which may be held by the supposed owner as a result of his ownership of the above described premises, and being a portion of the same premises described in a deed from Betty Lou Gottleib, Richard Siagel and Hildy E. Heffernan, individually and as executors of the Estate of Joan Friedberg, to Mark L. Tomaiolo, dated 27 December 2001 and recorded with Worcester District Registry of Deeds at Book 25668, Page 171.

The above-described property is represented upon Holden Assessors Tax Map 8 as a portion of Parcel 2.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Mark L. Tomaiolo	$180,000

The Commission further V O T E D: to approve an award of damages in the amount of $180,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A

1. Report of Ms. Murphy, December 10, recommending that the Commission adopt an order of taking for approximately 71.4 acres of land owned by Thomas D. and Elsie J. Ponrick, Charles G. Erickson, Eric A. Tobieson and Dale F. Eck, located in the Town of Boylston, Massachusetts, and to approve an award of damages in the amount of $550,682 together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an order of taking for approximately 71.4 acres of land owned by Thomas D. and Elsie J. Ponrick, Charles G. Erickson, Eric A. Tobieson and Dale F. Eck, located in the Town of Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, December 12, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996, Chapter 236 of the Acts of 2002, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

Two certain parcels or tracts of land lying on and off of the easterly side of Linden Street, in the "East Woods" Section of the said Town of Boylston, shown upon a two-sheet survey plan entitled "Plan Of Land In Boylston, Massachusetts (Worcester County), Scale 1"= 100' Owned By: Thomas & Elsie Ponrick, Charles Erickson, Eric Tobiesen," Sheet #1dated November 14, 2001 and Revised 10/28/02, and Sheet #2 dated October 28, 2002, both prepared by The BSC Group, Inc. 33 Waldo Street, Worcester, MA, both signed and stamped by Dana J. Standley, R.P.L.S. No. 38044 which plan shall be recorded with Worcester District Registry of Deeds herewith, and be made a part of this order, said parcels or tracts being more particularly bounded and described as follows:

Parcel 1

A certain parcel or tract of land, shown upon Sheet #1 of the above cited survey plan, lying on the easterly side of Linden Street, northerly of its intersection with Cross Street, and containing

2,164,831 square feet, more or less, or 49.698 acres, more or less, as shown upon said plan, more particularly bounded and described as follows:

Beginning at a drill hole set at a point in the southeasterly line of Linden Street, at the northeasterly corner of land, now or formerly, of Larry D. & Diane E. Seiler (see the deed recorded with Worcester District Registry of Deeds at Book 11401, Page 153), said drill hole marking the westernmost point of Parcel 1 being described herein;

Thence N. 58° 16' 52" E., 80.54 feet, by the southeasterly line of Linden Street to a point of curvature in a stone wall segment, marking the line of said street;

Thence Northeasterly, along the arc of a curve to the left, having a radius of 400.00 feet, an arc distance of 83.94 feet, by and through the wall segment, and along the line of the street, to a point of tangency therein;

Thence N. 70° 18' 19" E., 87.12 feet, by the street, to another point of curvature therein;

Thence Northeasterly, along the arc of a curve to the left, having a radius of 700.00 feet, an arc distance of 128.34 feet, along the street, to a point of tangency therein;

Thence N. 59° 57' 52" E., 88.65 feet, along the street, to a point in another wall segment;

Thence Northeasterly, along the arc of a curve to the left, having a radius of 600.00 feet, an arc distance of 51.01 feet, by and through the wall segment, and along the line of the street, marked by a stone retaining wall, to a point of tangency therein;

Thence N. 55° 05'35" E., 98.69 feet, by the line of the street and the retaining wall, to a point therein;

Thence N. 46° 51'14" E., 81.19 feet, by the line of the street, to a point in the middle of the southeasterly end of a corrugated metal drainage pipe running beneath the street and set in the retaining wall (see the easement described in the instrument recorded with said Deeds at Book 4032, Page 493, and excepted at Book 6884, Page 265);

Thence N. 35° 16' 49" E., 79.16 feet, by the street and stone retaining wall, to a drill hole found at a point therein, in line with an interior stone wall;

Thence N. 24° 16' 41" E., 126.96 feet, by the street and the retaining wall, to a point therein;

Thence N. 20° 05' 50" E., 64.86 feet, by the street and the retaining wall, to an iron rod set in the end of an intersecting fieldstone wall, at the southwesterly corner of the adjoining land, formerly of Richard P. Drury, and now of the

Commonwealth of Massachusetts, Metropolitan District Commission (see the order of taking dated 6/20/1996 recorded with said Deeds on 7/02/96 at Book 18052, Page 302), said iron rod marking the northwesterly corner of Parcel 1, being described herein;

Thence S. 72° 15’ 00” E., 150.14 feet, by the fieldstone wall to a point therein;

Thence N. 80° 38’ 41” E., 142.17 feet, by the stone wall to another point therein;

Thence S. 85° 32’ 11’ E., 40.46 feet, by the wall, to a point therein;

Thence N. 31° 13’ 30” E., 11.65 feet, by the wall, to a point therein;

Thence N. 44° 40’ 59” E., 19.15 feet, by the wall, to a point therein;

Thence S. 76° 41’ 25” E., 19.44 feet, by the wall, to a point therein;

Thence S. 67° 00’ 10” E., 16.65 feet, by the wall, to another point therein;

Thence S. 51° 21’ 04” E., 91.92 feet, by the wall, to a point in an angular stone wall corner, formed by the intersection with another stone wall;

Thence S. 56° 56’ 33” E., 580.79 feet, running through a drill hole set on this bearing 2.0 feet from the above cited wall corner, and running to a pile of stones found;

Thence S. 65° 31’ 12” E., 338.32 feet, to a stone post in stones found at land, supposed to be of the Town of Boylston, and at the southeasterly corner of the adjoining “Drury” parcel, the last ten (10) courses being by this abutting land, now of the Commonwealth of Massachusetts, MDC, said stone post also marking the northeasterly corner of Parcel 1, and being located S. 33° 00’ 29” W., 76.80 feet from another stone bound in stones found at the southwesterly corner of Parcel 2, described below;

Thence S. 24° 45’ 33” W., 764.35 feet, to a point in a stone pile found;

Thence S. 22° 24’ 08” W., 287.88 feet, to another iron rod set;

Thence S. 22° 24’ 08” W., 47.86 feet, to a point at an angle in the line, at the northwesterly corner of abutting land, formerly of Philip J., Owen & John H. Philbin, D.B.A. Philbin Brothers, now or formerly, of John P. Philbin et al (see the deeds recorded with said Deeds at Book 2492, Page 205 and Book 6652, Page 183 and Note that this abutting parcel is inaccurately located upon Boylston Assessors Tax Maps), the last three (3) courses being by lands, now or formerly, supposed to be of the Town of Boylston;

Thence S. 15° 24' 40" W., 89.16 feet, to a point at another angle in the line;

Thence S. 87° 15' 29" W., 10.38 feet, to another point at another angle in the line;

Thence S. 15° 24' 40" W., 136.59 feet, to an iron rod set at the southeasterly corner of Parcel 1, said rod also marking the northeasterly corner of the adjoining parcel, known as "Lot # 10 of the Robert Hudson Wood Lots" and as the "Lorenzo Sanderson Wood Lot", which lot is claimed to belong to Calvin B. Hastings (see the deed from Augustus Flagg et al, heirs of Robert Hudson, to Lorenzo Sanderson, dated 11/17/1859 and recorded with said Deeds at Book 617, Page 530, and see also the deed from Hannah A. Sanderson to Calvin R. Hastings dated 7/20/1935, and acknowledged before George L. Wright, Justice of the Peace, on 5/11/1939, which deed is presumably recorded with said Deeds, and Note that Wood Lot # 10 does not appear on Boylston Tax Maps), the last three (3) courses being by land, now or formerly, of John P. Philbin et al;

Thence S. 87° 15' 29" W., 742.50 feet, by the northerly line of Wood Lot # 10, to another iron rod set at another corner, at land, now or formerly, of Mount Pleasant Country Club (see the deed recorded with said Deeds at Book 4257, Page 70);

Thence N. 07° 45' 29" E., 264.00 feet, to an iron rod found & held at an angular corner;

Thence N. 61° 24' 14" W., 198.86 feet, running through a stone pile and running just northerly of a stone wall segment, to a point near another iron rod found;

Thence N. 60° 23' 40" W., 157.79 feet, to a stone wall corner, near a drill hole found;

Thence N. 62° 24' 17" W., 206.03 feet, by the stone wall segment, to a point at its northwesterly terminus, near another drill hole found;

Thence N. 61° 46' 16" W., 399.98 feet, to a point in another stone wall corner, near an iron rod found on line, and a drill hole found nearby, at the southeasterly corner, now or formerly, of James R. & Carolyn McCubrey (see the deed recorded with said Deeds at Book 12973, Page 327), the last four (4) courses being by land, now or formerly, of Mount Pleasant Country Club;

Thence N. 60° 56' 14" W., 85.49 feet, by the stone wall and land, now or formerly, of J.R. & C. McCubrey, to a drill hole found at an angle in the wall;

Thence N. 10° 34' 40" W., 193.84 feet, by the stone wall and land, now or formerly, of J.R. & C. McCubrey, to an iron rod found at a point in the wall, marking the southeasterly corner of land, now or formerly, of the aforesaid Larry D. & Diane E. Seiler;

Thence N. 08° 53' 46" W., 251.24 feet, by land, now or formerly of L.D. & D.E. Seiler, running by and through the stone wall and running through an iron pipe and across an off-set drill hole set, to a point in the southeasterly line of Linden Street, being the point and place of beginning.

Containing 2,164,831 square feet, more or less, or 49.698 acres, more or less, as aforesaid at the beginning of this description.

Parcel 2

A certain tract or parcel of land situated off of the easterly side of Linden Street, and lying northeasterly of Parcel 1, described above, the southwesterly corner of which is located 1487.49 feet from the point in the easterly line of Linden Street, marking the southwesterly corner of the "Drury Lot" and the northwesterly corner of Parcel 1, and containing 943,794 square feet, more or less, or 21.667 acres, more or less, as shown upon the above cited survey plan, more particularly bounded and described as follows:

Beginning at the stone post with stones found at the southwesterly corner of Parcel 2, as referenced and located above, following the twenty-first (21st) course recited above in the description of Parcel 1, being a point in the southwesterly line of the "Drury Lot", and at a corner of land, supposed to be of the Town of Boylston;

Thence N. 24° 22' 01" E., 396.00 feet, by the easterly line of the "Drury Lot", to a point;

Thence N. 37° 22' 01" E., 320.10 feet, by the easterly line of the "Drury Lot", to a point;

Thence N. 31° 37' 01" E., 501.60 feet, by the easterly line of the "Drury Lot", to a point at a corner in the line, said point being in the southerly line of the "Barnes-Brewer Lot", now or formerly, supposed to be land of the Town of Boylston;

Thence S. 75° 37' 59" E., 72.60 feet, by the "Barnes-Brewer Lot", to a point in another corner;

Thence N. 32° 05' 21" E., 452.32 feet, by the "Barnes-Brewer Lot", to a point in a pile of stones found, marking the northernmost angular corner of the parcel being described herein, at land, formerly of one Brewer, later of S.A. Puffer, and now or formerly, of the Town of Boylston (see the fourth (4th) parcel in the deed from Brewer to Brewer recorded with said Deeds at Book 1889, Page 185, and see also the deed, dated 5/19/1945, from S.A. Puffer to the Town of Boylston recorded with said Deeds at Book 2954, Page 595);

Thence S. 10° 03' 26" E., 1087.93 feet, partially by the land, formerly of Brewer, partially by land, formerly of Mariel B. Cutler, now or formerly of May I. Tucholski (see the deed recorded with said Deeds at Book 20861, Page 235), and partially by other land, now or formerly, of the Town of Boylston (see the deeds

recorded with said Deeds at Book 4824, Page 148 and Book 10191, Page 262) to a point at an angle in the line, at land, formerly of John B. Brewer, now or formerly, supposed to be of the Boylston Public Library

Thence S. 30° 44' 50" W., 610.50 feet, by land, formerly of John B. Brewer, now or formerly, supposed to be of the Boylston Public Library to a stone post in stones found at the southeasterly corner of the parcel herein being described;

Thence N. 86° 46' 14" W., 252.54 feet, by the northerly line of land, formerly of Levi M. Hastings, now or formerly, supposed to be of the Boylston Public Library, to a point in a pile of stones found at an angle in the line;

Thence N. 72° 37' 59" W., 583.57 feet, by the northerly line of land, formerly of L.M. Hastings, and, now or formerly, supposed to be of the Boylston Public Library, to the first mentioned stone post in stones, marking the southeasterly corner of the parcel herein being described, being the point and place of beginning.

Containing an area of 943,794 square feet, more or less, or 21.667 acres, more or less, as shown upon Sheet 2 of 2 of the survey plan referenced above, at the beginning of this description.

The total calculated area of the two described parcels, taken herein and hereby, as shown upon the above cited survey plan, is 3,108,625 square feet, more or less, or 71.365 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being most of the same premises described in a deed from Denise J. Waskevich
to Thomas D. Ponrick & Elsie J. Ponrick, as joint tenants, a 3/6th interest, Charles G. Erickson, a 1/6th interest, Eric A. Tobiesen a 1/6th interest, and Dale F. Eck a 1/6th interest, co-partners under a
partnership agreement dated August 29, 1980, d/b/a/ Pete Associates, which deed is also dated August 29, 1980, and recorded with Worcester District Registry of Deeds at Book 7055, Page 108.

The above-described Parcel 1 is represented upon the Revised Boylston Assessors Tax Maps, dated May 1997, as Parcels 23 and 22 on Map 49 and Parcels 1, 2 and 3 on Map 50. (Note that these mapped parcels do not account for all of the constituent lots of property described above as Parcel 1).

Parcel 2 as described above is represented upon the Revised Boylston Assessors Tax Maps, dated May 1997, as Parcel 2 on Map 55.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said

Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNERS		AWARD
Thomas D. Ponrick Elsie J. Ponrick	3/6th interest	$275,341.01
Charles G. Erickson	1/6th interest	$91,780.33
Eric A. Tobiesen	1/6th interest	$91,780.33
Dale F. Eck	1/6th interest	$91,780.33
Total	100%	$550,682.00

The Commission further V O T E D: to approve an award of damages in the amount of $550,682 together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

Action was taken upon the following Various Matters:

1. Report of Mr. Jewett, December 11, on behalf of a Selection Committee requesting selection of Health Resources Corporation for Contract No. DRUG03-001-X1A, for Drug and Alcohol Testing Services.
Mr. Jewett further requests authorization for Commissioner Balfour to execute the Contract on behalf of the Commission.
Cost – not-to-exceed - $49,935.00 on a unit cost basis.
Time for Performance – sixty months.
Funding from Account No. 2420-1420.
The Commission V O T E D: to approve the selection of Health Resources Corporation for Contract No. DRUG03-001-X1A, for Drug and Alcohol Testing Services.

The Commission further V O T E D: authorization for Commissioner Balfour to execute the Contract on behalf of the Commission

1. Report of Mr. Jewett, December 10, requesting approval and execution of Amendment No. 1 – to provide First Responder Hazmat and EMS Training to Various Personnel of the Division of Watershed Management at Field Locations, on Contract No. CS-0701-X1A, with the Institute for Environmental Education, Inc., for Environmental and Health Safety Training Services. (The Amendment can be accommodated within the current Contract financial obligation of $60,000.00 - $20,000.00 per year by adding Account No. 2420-1400 to the Contract authorization).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 1, dated December 12, 2002, on Contract No. CS-0701-X1A, with the Institute for Environmental Education, Inc., which was signed by the Acting Commissioner and three Associate Commissioners.

Adjourned at 9:35 a.m., to meet on Thursday, December 19, 2002 at 9:00 a.m.

William F. Brush
Secretary

Record of the Four Thousand Fifty Fourth (4054th) Meeting of the Metropolitan District Commission duly called and held at MDC Headquarters Building, 20 Somerset Street, Boston, Massachusetts, on Thursday, December 19, 2002.

Present, Commissioner Balfour and Associate Commissioners Anzuoni, Elkort, Kahalas and Rollins.

As Secretary Chisholm was not available for today's Meeting, Julia O'Brien, Director of Planning, was designated Acting Secretary for today's Meeting.

The Records of the Commission Meeting held on December 5, 20021, were read and approved.

The Secretary submitted for signature the following paper which was signed the Commissioner and four Associate Commissioners:

1. Contract No. P02-2162-C1A, dated December 19, 2002, with Roads Corp., for Historic Parkways Initiative: Memorial Drive Demonstration Project

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Kelter, December 12, requesting approval of a change in funding sources for the following contracts –

CONTRACT NUMBER	**CONTRACT NAME**	**CHANGE FROM ACCOUNT NUMBER**	**TO ACCOUNT NUMBER**
P99-2029-C2A	Replace Boiler Quincy Homestead	2440-0010-NN	2440-7991
P00-2062-M3A	Maintenance of Hydraulic Systems At Dams	2440-0010-NN	2440-7993
P00-2067-M3A	Landscape Maintenance MDC Facilities	2440-0010-NN	2440-7991
P00-2078-M2A	Maintain Refrigeration Systems	2440-0010-NN	2440-7992
P01-2116-M1A	Service & Repairs to Swimming Pools	2440-0010-NN	2440-7992
P01-2125-M1A	HVAC Systems at Various MDC Facilities	2440-0010-NN	2440-7991
P01-2126-M1A	HVAC Systems at Flood Control Facilities	2440-0010-NN	2440-7993
P01-2127-M2A	Underwater Structures at Various Flood Control Facilities	2440-0010-NN	2440-7993
P02-2164-M1A	Maintenance of Electrical and Electronic Systems at MDC Facilities	2440-0010-NN	2440-7991
P02-2165-M1A	Maintenance of Prime Power Generators at Various MDC Facilities	2440-0010-NN	2440-7991

P02-2169-M1A	Maintain Draw Bridges	2440-0010-NN	2490-8911
P02-2172-M2A	Maintain Refrigeration Systems	2440-0010-NN	2440-7992
P01-2089-M1A	Hydro Cell Crash Cushions	2440-0010-NN	2490-0012

The Commission V O T E D: Approved as requested by Messrs. Faucher and Kelter in their report of December 12, 2002.

1. Report of Messrs. Faucher and Thurlow, December 9, recommending approval of a revision in quantities on Item No. 002-010 – Tree Removals – at a cost of $15,000.00, on Contract No. P00-2083-C1A, with Northern Tree Service Inc., for 2000 & 2001 Arborcultural Improvements.
Funding from Account No. 2420-1400.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Griffin, December 10, recommending approval of an extension of time from December 26, 2002 to February 28, 2003, on Contract No. P02-2137-C1A, with SPS New England, Inc., for Repairs to Woods Memorial Bridge, Everett/Medford, due to need to shut down work on weekends during holiday season.
The Commission V O T E D: to approve an extension of time from December 26, 2002 to February 28, 2003, as recommended by Messrs. Faucher and Griffin in their report of December 10, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher, Doak and Thurlow, December 10, requesting approval of Project Summary, Work Schedule, Project Justification and requesting authorization to advertise Project No. P03-2197-C1A, for Tree Removals and Pruning at Leo J. Martin Golf Course.
Estimated Cost - $25,000.00
Time for Performance – two months.
Funding from Account No. 2440-4421.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P03-2197-C1A, for Tree Removals and Pruning at Leo J. Martin Golf Course.

4. Report of Messrs. Faucher, Carrigan and MacLean, December 9, recommending approval of Extra Work Order No. 1 – for removal of trees and root systems at Canalonga Park, Watertown – at a cost of $14,000.00, on Contract No. P02-2178-C1A, with D & R General Contracting, Inc., for Rehabilitation of Tennis and Basketball Courts Throughout the Metropolitan District.
Funding from Account No. 2440-7991.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $14,000.00.

5. Report of Messrs. Faucher, Carrigan and MacLean, December 9, recommending approval of revisions in quantities on the following items on Contract No. P02-2178-C1A, with D & R

General Contracting, Inc., for Rehabilitation of Tennis and Basketball Courts Throughout the Metropolitan District –
Item No. 011-010 $ 500.00
Tree Removed Including Stump (Diameter Less Than 7”)
Item No. 012-010 $ 4,500.00
Tree Removed Including Stump (Diameter Greater Than 7”)
Item No. 019-010 $ 7,000.00
Installation of Benches
Total - $12,000.00
Funding from Account No. 2440-7991.
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Carrigan and MacLean, December 9, recommending approval of revisions in quantities on the following items on Contract No. P02-2179-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District –
Item No. 034-010 – 12” R.C. Pipe - $6,825.00
Item No. 034-030 – 18” R.C. Pipe - $ 0.01
Total - $6,825.01
(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 019-010 – Cement Concrete Sidewalks, Driveway, Medians and Traffic Islands (Once Course 6” Thick with Welded Wire Mesh).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher, Carrigan and MacLean, December 9, recommending approval of Extra Work Order No. 1 – for Installation of Cobblestone Edging and Flowerbeds – at a cost of $36,116.75, on Contract No.P02-2179-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 019-010 – Cement Concrete Sidewalks, Driveway, Medians and Traffic Islands (Once Course 6” Thick with Welded Wire Mesh).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $36,116.75.

3. Report of Messrs. Faucher, Carrigan and MacLean, December 11, recommending approval of revisions in quantities on the following items on Contract No. P02-2179-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District.
Item No. 025-010 – Bales of Hay - $3.00
Item No. 026-010 – Sedimentation Fence - $3.00
Total - $6.00
(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 019-010 – Cement Concrete Sidewalks, Driveway, Medians and Traffic Islands (Once Course 6” Thick with Welded Wire Mesh).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher, Carrigan and MacLean, December 11, recommending approval of Extra Work Order No. 2 – for Installation of 1" Water Line and 260' of 3" Conduit for Use as Sleeves for Irrigation Lines – at a cost of $13,210.98, on Contract No. P02-2179-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 019-010 – Cement Concrete Sidewalks, Driveway, Medians and Traffic Islands (Once Course 6" Thick with Welded Wire Mesh).
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $13,210.98.

2. Report of Messrs. Faucher, Carrigan and MacLean, December 11, recommending approval of Extra Work Order No. 3 – for Gateway Park in Lynn – Installation of two benches – at a cost of $2,800.00, on Contract No. P02-2179-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item No. 019-010 – Cement Concrete Sidewalks, Driveway, Medians and Traffic Islands (Once Course 6" Thick with Welded Wire Mesh).
The Commission V O T E D: to approve Extra Work Order No. 3, in the amount of $2,800.00.

3. Report of Messrs. Faucher, Misslin and Sodano, December 11, recommending approval of an extension of time from January 25, 2003 to June 30, 2003, on Contract No. PL95-031-C1A, with Fleming Brothers, Inc., for Construction of Abigail Adams Park, Back River Reservation, Weymouth, due to the need to finish project in the Spring.
The Commission V O T E D: to approve an extension of time from January 25, 2003 to June 30, 2003, as recommended by Messrs. Faucher, Misslin and Sodano in their report of December 11, 2002.

4. Report of Messrs. Faucher, Misslin and Kane, December 16, on bids for Construction of the Deck and HC Ramp Footings, Insulation of Wallboard/Plastering and Painting at the Visitor's Center, Breakheart Reservation, Saugus, Contract No.P02-2138-C3A.
(Messrs. Faucher, Misslin and Kane recommend acceptance of the lowest bid received, that of Aztech Construction Corp., of $93,213.18).
Messrs. Faucher, Misslin and Kane further recommend that the Commission execute the Contract.
The Commission V O T E D: to accept the lowest bid received, that of Aztech Construction Corp., of $93,213.18.
The Secretary then submitted for signature Contract No.P02-2138-C3A, dated December 20, 2002, which was signed by the Commissioner and four Associate Commissioners.

5. Report of Messrs. Faucher, Misslin and Gabra, December 16, requesting approval of Project Summary, Work Schedule, Project Justification and requesting authorization to solicit bid proposals from Master Service Agreement No. ST8J601C, for Project No.P01-2109-C1A, for Installation of Two Water Meters and One Backflow Preventer for MDC Facility in Stoneham.
Estimated Cost - $5,075.00.
Time for Performance – approximately fifteen days.

Funding from Account No. 2440-9800.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to solicit bid proposals from Master Service Agreement No. ST8J601C, for Project No.P01-2109-C1A, for Installation of Two Water Meters and One Backflow Preventer for MDC Facility in Stoneham.

1. Report of Messrs. Faucher, Misslin and Sodano, December 11, requesting that the Commission vote to reject all five bids received on Contract No. P03-2186-C1A, for Materials, Testing, Laboratory and Field Construction Operations, due to the fact that all bids were too high for the work to be performed on the Contract.
The Commission V O T E D: to reject all five bids received on Contract No. P03-2186-C1A, for Materials, Testing, Laboratory and Field Construction Operations, as requested by Messrs. Faucher, Misslin and Sodano in their report of December 11, 2002.

2. Report of Messrs. Faucher, Misslin and Haider, December 16, recommending approval of an extension of time from December 31, 2002 to March 30, 2003, on Contract No. P00-2062-M1A, with The Entwistle Co., for Service to Hydraulic Systems at Various Flood Control/Navigation Sites, due to the need to continue critical service until a new contract is in place.
The Commission V O T E D: to approve an extension of time from December 31, 2002 to March 30, 2003, as recommended by Messrs. Faucher, Misslin and Haider in their report of December 16, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher, Misslin and Balicki, December 16, recommending approval of an extension of time from December 2, 2002 to February 15, 2003, necessary to relocate vent line for the sewage ejector and for administrative purposes, on Contract No. P02-2138-C2A, with T. Ford Co., for Sanitary Sewer and Potable Domestic Water, Breakheart Reservation, Saugus.
The Commission V O T E D: to approve an extension of time from December 2, 2002 to February 15, 2003, as recommended by Messrs. Faucher, Misslin and Balicki, in their report of December 16, 2002, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher, Gearheart, Misslin and Kane, December 18, requesting approval of Extra Work Claim No. 1, in the amount of $36,251.96, for additional labor and equipment used for excavation, on Contract No. P02-2138-C1A, with E. A. Colangeli Construction Co., Inc., for Foundation for the Visitors Center and Construction of Maintenance Building at Breakheart Reservation, Saugus.
Funding is available in Account No. 2440-7991.
The Commission V O T E D: to approve Extra Work Claim No. 1, in the amount of $36,251.96, as requested by Messrs. Faucher, Gearheart, Misslin and Kane, in their report of December 18, 2002

Action was taken upon the following matters relating to the Division of Watershed Management:

1. Report of Messrs. McGinn and O'Connor, December 11, requesting approval of revision in quantities on Item No. 03932 – thin crack Repairs and Item No. 03933 – wide crack repairs – at a total cost of $50,425.00, on Contract No. WM94-003-C1A, with Tasco Construction, Inc., for Remedial Repairs/Improvements for Public Safety Considerations, Beaman Street Bridge, West Boylston.
Funding from Account No. 2490-0017.
The Commission V O T E D: Approved.

2. Report of Messrs. McGinn and Scannell, December 10, on proposals for the purchase of forest products located on the Wachusett Reservoir Watershed.
(Messrs. McGinn and Scannell recommend:
Timber Lot No. 5183 - Wachusett Reservoir Watershed in the Town of Boylston, containing approximately 194,798 board feet of timber, 279 cords of fuelwood and 170 cords of pulp.
Acceptance of the highest qualified bidder, that of Bosse Logging, 40 Talcott Avenue, Gardner, MA 01440 of $26,195.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $21,000.00.
Timber Lot No. 5184 -Wachusett Reservoir Watershed in the Town of Holden, containing approximately 62,116 board feet of timber, 59 cords of fuelwood and 49 cords of pulp.
Acceptance of the highest qualified bidder, that of Bosse Logging, 40 Talcott Avenue, Gardner, MA 01440 of $7,498.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $5,100.00.
Timber Lot No. 5185 -Wachusett Reservoir Watershed in the Town of Holden, containing approximately 22,953 board feet of timber, 118 cords of fuelwood and 9 cords of pulp.
Acceptance of the highest qualified bidder, that of Bosse Logging, 40 Talcott Avenue, Gardner, MA 01440 of $4,460.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $3,750.00).
The Commission V O T E D: Approved as recommended by Messrs. McGinn and Scannell in their report of December 10, 2002

3. Report of Messrs. McGinn and Pula, December 11, on proposals for the purchase of forest products located on the Ware River and Quabbin Reservoir Watersheds.
(Messrs. McGinn and Pula recommend:
Timber Lot No. 1009A - Quabbin Reservoir Watershed in the Town of Hardwick, containing approximately 222,536 board feet of timber, 349 cords of fuelwood and 137 cords of pulp.
Acceptance of the highest qualified bidder, that of W.D. Cowls, Inc., P.O. Box 9677, North Amherst, MA 01059 of $17,333.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $17,000.00.
Timber Lot No. 1010 - Quabbin Reservoir Watershed in the Town of Ware, containing approximately 230,410 board feet of timber, 79 cords of fuelwood and 195 cords of pulp.
Acceptance of the highest qualified bidder, that of King Timber Harvesting, 15 Ragged Hill Road, Hubbardston, MA 01452 of $34,166.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $21,000.00.

Timber Lot No. 1011 - Quabbin Reservoir Watershed in the Town of Ware, containing approximately 74,102 board feet of timber and 121 cords of fuelwood. Acceptance of the highest qualified bidder, that of Specialty Timber, 61 Beech Street, Palmer, MA 01069 of $9,740.19. The MDC Forester estimated the lowest acceptable bid for this lot to be $8,700.00.
Timber Lot No. 3046A - Quabbin Reservoir Watershed in the Town of Petersham, containing approximately 343,390 board feet of timber, 329 cords of fuelwood and 288 cords of pulp. Acceptance of the highest qualified bidder, that of Curtis Lumber, P.O. Box A, Hubbardston, MA 01452 of $33,780.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $30,000.00.
Timber Lot No. 3050 - Quabbin Reservoir Watershed in the Town of New Salem, Containing approximately 144,046 board feet of timber, 169 Cords of fuelwood and 35 cords of pulp. Acceptance of the Highest qualified bidder, that of Heyes Forest Products, 34 Daniel Shays Highway, Orange, MA 01364 of $37,942.70. The MDC Forester estimated the lowest acceptable bid for this lot to be 20,000.00.
Timber Lot No. 4316 - Ware River Watershed in the Town of Oakham, containing approximately 122,606 board feet of timber, 105 cords of fuelwood and 34 cords of pulp. Acceptance of the highest qualified bidder, that of Petersham Forest Products, 297 East Street, Petersham, MA 01366 of $9,700.00. The MDC Forester estimated the lowest acceptable bid for this lot to be $9,500.00.
The Commission V O T E D: Approved as recommended by Messrs. McGinn and Pula in their report of December 11, 2002.

1. Report of Messrs. McGinn and Scannell, December 9, requesting that the Commission accept the Sudbury Reservoir Watershed System Public Access Plan Update and approve the new public access policies as outlined in the Update.
The Commission V O T E D: to accept the Sudbury Reservoir Watershed System Public Access Plan Update and approve the new public access policies as outlined in the Update, conditional upon the submission and presentation of further information.

Action was taken upon the following Various Matters:

2. Report of Mr. Jewett, December 13, recommending award of the following five Contract-Agreements for Open Order Contract No. GC03-0002, for Professional Real Estate Appraisal Services (Watershed Land Acquisition Program FY03/ FY04) –

NAME	VALUE	ASSIGNMENTS
Reynolds Company 304 Victory Road Quincy, MA 02171-3122	$48,650.00	11
Meredith & Grew, Inc. 160 Federal Street Boston, MA 02110-1701	$43,250.00	13

NAME	VALUE	ASSIGNMENTS	(CON.-)
O'Connor Real Estate Associates, Inc. 48 Franklin Street Post Office Box 1211 Westfield, MA 01086-1211	$17,100.00	5	
E.D.H. Anderson Real Estate Valuation & Preservation 20 Dana Road Petersham, MA 01366	$39,875.00	12	
G & M Valuations 10 Marigold Avenue Wellesley, MA 02482	$45,000.00	14	

Funds are available in Account No. 2421-9936.
(Mr. Jewett further requests authorization for Commissioner Balfour to execute the Contract Agreements on behalf of the Commission).
The Commission V O T E D: to approve Contract-Agreements with Reynolds Company, Meredith & Grew, Inc., O'Connor Real Estate Associates, Inc., E.D.H. Anderson Real Estate Valuation & Preservation and G & M Valuations, for Open Order Contract No. GC03-0002, for Professional Real Estate Appraisal Services (Watershed Land Acquisition Program FY03/ FY04).
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Contract Agreements on behalf of the Commission.

1. Report of Mrs. Overton Bussell and Mr. Murphy, December 16, requesting approval and authorization to solicit proposals for Licensed Site Professional Services for Elm Bank Reservation, Dover.
Estimated Cost – not-to-exceed $45,000.00.
Funding from Account Nos. 2440-8886 - $20,000.00
2440-7994 - $25,000.00
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to solicit proposals for Licensed Site Professional Services for Elm Bank Reservation, Dover.

2. Report of Messrs. Flynn, Testa and Gray, December 10, on behalf of the Concession Selection Committees, recommending approval and execution of a five year permit with R. M. Blue Hills Incorporated, with an expiration date of July 1, 2007, for the use, operation and maintenance of the land the facility under the jurisdiction of the Commission known as the Blue Hill Ski Area, situated within the Blue Hills Reservation in the Town of Canton, Massachusetts.
The Commission V O T E D: Approved.

The Secretary then submitted for signature permit, dated December 19, 2002, with R. M. Blue Hills Incorporated, which was signed by the Commissioner and three Associate Commissioners.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

1. Report of Mr. Collette, December 2, recommending that the Commission approve plans for the redevelopment of a parcel of land on Route 138 in the Town of Canton as presented to the Commission pursuant to the conservation easement acquired from Ellen C. Vickerson on July 18, 1985, and authorize Mr. Patrick Flynn, as South Region Supervisor of the Reservations and Historic Sites Division, to execute an agreement approved by the Office of the General Counsel regarding this redevelopment on behalf of the Commission.
The Commission V O T E D: to approve plans for the redevelopment of a parcel of land on Route 138 in the Town of Canton as presented to the Commission pursuant to the conservation easement acquired from Ellen C. Vickerson on July 18, 1985.
The Commission further V O T E D: authorize Mr. Patrick Flynn, as South Region Supervisor of the Reservations and Historic Sites Division, to execute an agreement approved by the Office of the General Counsel regarding this redevelopment on behalf of the Commission.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

2. Report of Ms. Murphy, December 13, recommending that the Commission approve the Care and Control Agreement between the Metropolitan District Commission and the Massachusetts Division of Capital Asset Management and Maintenance, which sets forth the terms and provisions of the transfer of approximately 71.69 acres of land in Rumney Marsh, in the City of Revere, Massachusetts, to the Commission, for the expansion of protected open space within an Area of Critical Environmental Concern, to be incorporated into the adjacent Rumney Marsh Reservation, and to further authorize Commissioner Balfour to sign two copies of this Care and Control Agreement on behalf of the Commission, and to further approve the contract with Tighe & Bond, Consulting Engineers and Environmental Specialists in the amount of $2,173, to prepare and file all documents pertaining to the land which is to be transferred to the MDC, pursuant to the above described Care and Control Agreement, with the Department of Environmental Protection, pursuant to the recommendations set forth in Tighe & Bond's Environmental Site Assessment report, in order to comply with DEP regulations.
(Account No. 2440-8886).
The Commission V O T E D: to approve the Care and Control Agreement between the Metropolitan District Commission and the Massachusetts Division of Capital Asset Management and Maintenance, which sets forth the terms and provisions of the transfer of approximately 71.69 acres of land in Rumney Marsh, in the City of Revere, Massachusetts, to the Commission, for the expansion of protected open space within an Area of Critical Environmental Concern, to be incorporated into the adjacent Rumney Marsh Reservation.
The Commission further V O T E D: to authorize Commissioner Balfour to sign two copies of this Care and Control Agreement on behalf of the Commission.
The Commission further V O T E D: to approve the contract with Tighe & Bond, Consulting Engineers and Environmental Specialists in the amount of $2,173, to prepare and file all documents pertaining to the land which is to be transferred to the MDC, pursuant to the above described Care and Control Agreement, with the Department of Environmental Protection,

pursuant to the recommendations set forth in Tighe & Bond's Environmental Site Assessment report, in order to comply with DEP regulations.
Associate Commissioner Anzuoni did not participate in discussion or vote on this matter.

1. Report of Mr. Gray, December 16, recommending that the Commission adopt an Order of Taking for acquisition of approximately 137 acres of land owned by George P. Bates and Nancy B. Bates, located in the Town of Canton, Massachusetts, and to approve an award of damages in the amount of $2,400,000, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8965.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 137 acres of land owned by George P. Bates and Nancy B. Bates, located in the Town of Canton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, December 19, 2002.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996, Chapter 236 of the Acts of 2002, Sections 33 and 79 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a conservation restriction and easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Canton in the County of Norfolk and Commonwealth of Massachusetts, namely:

Six certain tracts or parcels of land, one (1) being a registered parcel and five (5) being recorded land, in the westerly part of the said Town of Canton, lying between the northwesterly line of Interstate 95 and the westerly line of the former layout of the Boston & Providence Railroad Corporation, formerly leased to the N.Y.N.H. & H. RR Co. , and now of the Massachusetts Bay Transportation Authority, and the Canton-Norwood Town Line, running generally along the centerline of the Neponset River, and situated on University Road (formerly known as Main Access Road), more particularly bounded and described as follows:

I Registered Land

Parcel I

That certain parcel of land situate in the Town of Canton, County of Norfolk and Commonwealth of Massachusetts, bounded and described as follows:

Southeasterly by the Northwesterly line of Interstate Route 95, about forty nine hundred and twenty one (4921) feet;

Southwesterly, Northwesterly, Southerly, Westerly, Northwesterly, Westerly, Southwesterly, Northwesterly, Southwesterly, Northwesterly, Northeasterly and Northwesterly by the Neponset River, being the Norwood-Canton Town Line, shown on the plan hereinafter referred to;

Northerly by land, now or formerly, of Boston Metropolitan Airport, Inc., about eleven hundred forty one (1141) feet; and

Easterly by land, formerly, of Boston & Providence Railroad Corporation, N.Y. N.H. & H.R.R. Co. Lessee, now or formerly, of the Massachusetts Bay Transportation Authority, two hundred and 01/100 (200.01) feet.

All of said boundaries, except the River Line, are determined by the Land Court to be located as shown on a plan drawn by Cheney Engineering Co., Inc., Surveyors, dated February 18, 1983, as approved by said Court, filed in the Land Registration Office as No. 15269-8, a copy of a portion of which is filed in the Land Registration Section of Norfolk Registry with Certificate No. 116054, in Registration Book 581, Page 54.

Said parcel is shown as lot numbered 234 on said plan.

Excepting and excluding from the operation of this Order so much of the fee and soil in said Interstate Route 95 as lies opposite said lot numbered 234.

Excepting and excluding from the provisions of this order, and reserved to the said owners, their heirs and assigns, free of restriction, are the following two certain contiguous lots, lying upon the westerly side of University Road and the 30.00 foot wide Neponset Valley Sewer - Metropolitan Sewer Easement lying therein:

1) That certain lot shown as Parcel 43A upon a plan entitled “Plan of New Neponset Valley Sewer System Easements and Land Takings in Milton, Canton and Norwood, Mass. To be acquired by the Massachusetts Water Resources Authority (Sewerage Division)”, dated May 1993, prepared for Fay, Spofford & Thorndike, Inc. by ASEC Corporation, Boston MA, William J. Montuori, P.L.S. No. 20689, which plan is recorded with Norfolk District Registry of Deeds as Plan No. 345 of 1993, Sheet A of 2, in Plan Book 413. Parcel 43 A, as shown, contains an area of 45,516 square feet, or 1.0449 acres, and is permanently encumbered with an easement for the construction and operation of a pumping station and associated paved parking. (See the Grant of Easement dated 26th April 1993 from George P. Bates and Nancy B. Bates to the Massachusetts Water Resources Authority, as recorded with said Deeds at Book 9919, Page 208 and as registered with the Land Registration Office of said Registry as Document No. 658459, both the recording and registration having taken place on June 9, 1993.)

Containing 1.0449 acres, more or less, as aforesaid.

2) A certain lot adjoining the southwesterly side of said Parcel 43A, and also adjoining the northwesterly line of the 30 foot wide Neponset Valley Sewer Easement, shown upon EXHIBIT A, more particularly bounded and described as follows:

Beginning at a point in the northwesterly line of the 30 foot wide Neponset Valley Sewer Easement (see Metropolitan District Commission (Sewer Division), 1932 order of taking recorded with said Deeds at Book 1954, Page 387), and at the southernmost corner of the aforesaid Lot 43A;

Thence S. 34° 18’ 27” W., 217.7 feet, by the northwesterly line of said Sewer Easement, to a point at the southeasterly corner of this excluded parcel;

Thence N. 55° 41’ 33” W., 179.4 feet, by other property of said owners (Lot 234), restricted herein and hereby, to a point at the southwesterly corner of this excluded parcel;

Thence N. 34° 18’ 27” E., 250.5 feet, by other property of said owners (Lot 234), restricted herein and hereby, to a point at the northwesterly corner of this excluded parcel, said point being in the southwesterly line of the aforesaid Parcel 43A;

Thence S. 55° 41’ 33” E., 143.2 feet, in the southwesterly line of the aforesaid Parcel 43A, to a point at an angle in the line;

Thence S. 10° 41’ 33” E., 48.08 feet, in the westerly line of the aforesaid Parcel 43A, to the first mentioned point at the sewer easement, being the point and place of beginning.

Containing 1.01 acres, more or less.

Both of the above described excluded parcels are shown upon a “Sketch Plan”, based upon the above cited Plan 345 of 1993 as recorded in Plan Book 413, drawn by MDC personnel, and appended hereto as EXHIBIT A, to be incorporated herewith and be made a part hereof.

There are appurtenant to the above described land (Lot 234) rights of way as set forth in Document Nos. 89121, 131028 and 160713, so far as applicable.

So much of the above described land (Lot 234) as is included within the limits of lot numbered 194, shown on plan filed with Certificate No. 50200, is subject to and has the benefit of the rights etc. as set forth in Document No. 106640.

So much of the above described land (Lot 234) as is included within the limits of lot numbered 196, shown on plan filed with Certificate No. 50200, is subject to the Right of Way set forth in Document No. 118327, so far as applicable.

The above described land (Lot 234) is subject also to and has the benefit of the rights, easements, etc. set forth or referred to in Document Nos. 160713 and 188640.

The above described land (Lot 234) is subject also to and has the benefit of rights, easements, etc. referred to in Certificate No. 27607, so far as now in force and applicable.

For title reference, see Transfer Certificate of Title No. 150978 recorded with Norfolk Registry of Deeds, Registered Land Section, at Registration Book 755, Page 178.

The total area of the above described land (Lot 234) restricted herein and hereby is calculated to be 88.41 acres, more or less, including the land running from the high water mark upon the easterly bank of the Neponset River, beneath the waters thereof, to the thread of said river.

Parcel I is the same premises described as I REGISTERED LAND in a deed from George P. Bates and Nancy B. Bates to George P. Bates and Nancy B. Bates, dated 16th December 1997 and recorded with Norfolk Registry of Deeds at Book 12170, Page 367 and registered with the Registered Land Section thereof as Document No. 779005 (See Transfer Certificate of Title No. 150978 issued by the Land Court to George P. Bates & Nancy B. Bates on December 24, 1997 and filed in Registration Book 755, Page 178.)

II Unregistered or Recorded Land

Parcel II

A certain parcel or lot of land situated on the northwesterly side of University Road in Canton, Norfolk County, Massachusetts, being shown as land of “Austin O’Connor Estate, Robert G. Mearn, Administrator”, on a plan entitled “Plan of Land In Canton, Mass.” dated March 5, 1976, drawn by Cheney Engineering Co. Inc., and filed with said Deeds as Plan No. 106 (Sheet A of 2) of 1977, in Plan Book 258, said parcel being more particularly bounded and described on said Plan as follows:

Parcel II is composed of lots 4, 5 and 6 as shown on said Plan, being more particularly bounded and described as follows:

Southeasterly by University Road in three courses measuring one hundred fifty (150.00) feet, one hundred fifty-five and 51/100 (155.51) feet, and two hundred twenty-two and 86/100 (222.86) feet, respectively;

Southwesterly by land shown on said Plan as “Metropolitan Industrial Center- North Roselund Properties Trust Benjamin Levin, Leon Newman, Leo Meyer & Solomon Horowitz, Trs.”, six hundred one and 91/100 (601.91) feet;

Northwesterly by land shown on said Plan as "Roselund Properties Trust Benjamin Levin, Leon Newman, Leo Meyer & Solomon Horowitz, Trs.", five hundred thirty-three and 42/100 (533.42) feet; and

Northeasterly by Lot A, five hundred twenty-eight and 66/100 (528.66) feet.

Said parcel contains 298,680 square feet according to said Plan, and specifically does not include the land shown on said Plan as Lot 4, containing 32,307 square feet, and located on the southeasterly side of University Road.

Excepting and excluding, however, from the above described Parcel II, a strip of land running along the entire northerly edge of the parcel and thirty-five (35) feet in width, which strip of land, comprising 18,550 square feet, more or less, shall not be subject to the provisions of this order, but be reserved to the owners, their heirs and assigns free of all restrictions.

That portion of Parcel II, restricted herein and hereby, is calculated to be 280,130 square feet, more or less, or 6.431 acres, more or less.

Parcel II is a portion of the same premises described as Parcel #6 in a deed from George P. Bates and Nancy B. Bates to George P. Bates and Nancy B. Bates, dated 16th December 1997 and recorded with Norfolk Registry of Deeds at Book 12170, Page 367 and registered with the Registered Land Section thereof as Document No. 779005 (See Transfer Certificate of Title No. 150978 issued by the Land Court to George P. Bates & Nancy B. Bates on December 24, 1997 and filed in Registration Book 755, Page 178.)

Parcel III

Those certain parcels of land in Canton, Norfolk County, Massachusetts, as shown on a certain plan entitled "Plan of Land Canton, Mass.", dated February 16, 1983, drawn by Cheney Engineering Co., Inc., and recorded with Norfolk Registry of Deeds as Plan No. 268 of 1983 in Plan Book 302, being thereon Parcel K and that Parcel 4 lying east of University Road, which contains 32,307 square feet, and all that land below the Neponset River, located between the shore line constituting the Westerly boundary of Parcel K and the thread of the Neponset River, all as set forth on said Plan.

Excepting and excluding, however, from the above described Parcel III, a strip of land running along the entirely northerly edge of the parcel and thirty-five (35) feet in width, which strip of land comprising 6533 square feet, more or less, of 'dry' land, and 1750 square feet, more or less, of land running from the easterly high water mark of the Neponset River, beneath the waters thereof , to the thread of the river, which area shall not be subject to the provisions of this order, but be reserved to the owners, their heirs and assigns, free of all restrictions, except for the public foot path, or trail easement provided for below.

That portion of Parcel K restricted herein and hereby, is calculated to be 1,232,417 square feet more or less, of 'dry' land, and 82,950 square feet, more or less, of land under water, 1,315,367 square feet, more or less, in total, or 30.197 acres, more or less.

Adding the area of that Parcel 4 easterly of University Road, of 32,307 square feet, or 0.742 acres, we get a total for the restricted area of Parcel III of 1,347,674 square feet, or 30.938 acres, more or less.

Parcel III is a portion of the same premises described as Parcel #7 in a deed from George P. Bates and Nancy B. Bates to George P. Bates and Nancy B. Bates, dated 16th December 1997 and recorded with Norfolk Registry of Deeds at Book 12170, Page 367 and registered with the Registered Land Section thereof as Document No. 779005 (See Transfer Certificate of Title No. 150978 issued by the Land Court to George P. Bates & Nancy B. Bates on December 24, 1997 and filed in Registration Book 755, Page 178.)

The above described Unregistered or Recorded land, restricted herein and hereby, contains, in total, 1,627,804 square feet, more or less, or 37.369 acres, more or less.

The total area of the Registered and Unregistered, or Recorded, land described above and restricted herein and hereby is calculated to be 125.779 acres, more or less.

Purpose.

The purpose of this park and open space restriction and conservation easement is to ensure that the premises shall be protected in perpetuity from ecological imbalance, environmental degradation, the destruction of wildlife habitats, the destruction of archaeological resources and inappropriate land use activities. This restriction is intended to preserve the land, along with any archaeological resources it may possess, in a natural, scenic and open condition to the greatest extent practicable. Furthermore, this restriction is intended to provide public access for passive enjoyment, education and scientific study. No other uses of the premises which are inconsistent with the terms and provisions of this order and Article 97 of the Amendments to the Constitution of Massachusetts shall be permitted.

Management Plan.

It is the express requirement of this order that the owners in fee of the premises shall prepare a Management Plan which shall be submitted to the Commission for its approval through its Division of Reservations and Historic Sites, which Management Plan shall be submitted within eighteen (18) months from the date of recording of this order with Norfolk Registry of Deeds, and then re-submitted for approval on a regular basis and continuing not less than once every ten (10) years, starting from the above date, and as often within such ten-year periods as the owners of said premises shall deem prudent. The Management Plan shall define all activities, programs and improvements proposed for the premises, and the Commission shall, upon review and at its sole discretion, ensure that such activities, programs and improvements do not adversely impact or otherwise violate the nature and intent of the terms and conditions set forth

in this order. Upon approval by the Commission of the Management Plan, and each renewal, modification or replacement thereof, all activities, programs, and improvements described therein shall be deemed to be consistent with the terms and conditions of this order, and permitted hereunder. Said management plan shall not limit or restrict rights which the owners currently hold in and to University Road and its extension.

Prohibited Uses and Activities.

The following uses and activities are expressly prohibited within the premises protected by this restriction, except as may be required to support the passive recreation, conservation, scientific and educational provisions of the Management Plan:

1. No construction or placing of buildings or structures or parts thereof, or roads, ways, paths or portions thereof, shall be permitted on said premises, except for the placement of the paths or trails referenced herein, and the placement of kiosks, benches and other such improvements required to meet programmatic and interpretive needs. No sign shall be erected upon the premises hereby restricted, nor shall any promotional or educational literature, nor maps, be printed regarding said premises, without the acknowledgement of the participation of the Metropolitan District Commission in the conservation protection afforded the land herein restricted.

2. No construction or placing of utilities or utility delivery systems, or portions thereof, shall be permitted except as may be necessary to serve lot 43A and the adjoining 1 acre unrestricted lot illustrated in Exhibit A.

3. The use of the above described premises, or any portion thereof, herein and hereby restricted, shall not be used to satisfy zoning requirements for the development of any adjoining unrestricted land.

4. No septic systems or leach fields shall be permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted.

6. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers shall be permitted.

7. No tillage shall be permitted.

8. No grazing or sheltering of livestock or animals shall be permitted.

9. No commercial recreational use shall be permitted, and no off-road recreational use of motorized vehicles, by the landowners, guests or invitees, shall be permitted. The land owners shall, however, be expressly allowed to utilize motorized vehicles for those purposes consistent with management and maintenance of the premises.

10. No commercial timber harvesting shall be permitted, unless such harvesting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management. Owner shall use all reasonable efforts to maintain the Premises in a natural condition. Owners shall not be restrained from managing woody vegetation to prevent, control or remove hazards, disease or insect damage, fire, or to preserve or enhance the habitat value of the Premises, provided that such management is in accordance with generally accepted ecological management practices, and consistent with the management plan. Owners shall not be prohibited from creating and maintaining woods roads and trails to support the passive recreation, conservation and educational goals of the management plan.

11. No other acts or uses detrimental to park and open space preservation, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

Special Consideration for Archaeological Resources.

1. All previously undisturbed land protected by this restriction is presumed to hold potential for the presence of archaeological remains. If in the conduct of any activity, program or improvement permitted herein, the Owners encounter archaeological remains, the Owners shall cease such excavation or ground disturbance and promptly inform the Commission of the archaeological discovery. The Owners and the Commission will consult with the Massachusetts Historical Commission to determine the significance of the archaeological remains and cooperatively determine a reasonable course of action to eliminate, minimize or mitigate harm to significant archaeological remains.

2. Upon prior written notice to Owners, the Commission may conduct, or may permit others to conduct, archaeological activities including without limitation, survey, excavation and artifact retrieval subject to any required permits, following submission of an archaeological field investigation plan and its approval in writing by the Commission and the State Archeologist of the Massachusetts Historical Commission (or appropriate successor official); provided that the areas disturbed by such activity shall be reasonably restored thereafter to their previous condition, by the person conducting such investigation.

Parcel IV

AND ALSO taken herein and hereby is the right and easement to construct and maintain a gated gravel parking area and canoe/kayak boat launch area, with restroom facilities and signs, and with a twenty-four (24) foot wide vehicular and pedestrian access from and to University Road, which facilities shall be constructed within a designated area of 3.44 acres, more or less, at the intersection of University Road and Dedham Street, to be restricted herein and hereby, shown upon a "Sketch Plan" marked Exhibit B, to be appended hereto and made a part hereof, said designated site being other land, of the owners listed below, bounded generally by the westerly line of University Road, southerly by a line parallel to and 300 feet northerly of the

northerly line of Parcels 1,2,3 and 2A as shown upon the above cited Plan No. 268 of 1983 in Plan Book 302, westerly by the thread of the Neponset River, and northeasterly by the southwesterly line of Dedham Street, and being portions of Parcels C, E and F upon the above cited plan recorded with Norfolk Registry of Deeds as Plan 268 of 1983 in Plan Book 302. Said facilities shall be sited by the MDC in consultation with said owners, and shall be delineated on a plan to be provided by said owners at a later date. Such facilities shall be closed and secured from sundown to sunup. There shall be reserved to the owners the right to relocate University Road, within this Parcel IV, provided that such relocation does not unduly interfere with the right and easement taken herein.

Parcel IV is more particularly bounded and described as follows:

Beginning at a point in the westerly line of University Road, said point being located about 20 feet, more or less, northeasterly from the southernmost point of Parcel F, as measured along the arc of a curve to the left, having a radius of 10,869.00 feet, an arc distance of about 20 feet, more or less, and said point being further located 300 feet northeasterly of the northeasterly corner of Parcel 1,2,3 &2A, all as shown upon the above cited recorded plan, Plan No. 268 of 1983, in Plan Book 302;

Thence	N. 71° 28' 30" W., 375 feet, more or less, across Parcel C, to a point in the thread of the Neponset River;
Thence	Northerly and northeasterly, about 540 feet, more or less, along the thread of the river, to a point in the southwesterly line of Dedham Street;
Thence	Southeasterly, by the southwesterly line of the Record Layout of Dedham Street, along the arc of a curve to the right having a radius of 1970.00 feet, an arc distance of about 140 feet, more or less, to a point of tangency, said point being at the northernmost point of Parcel D (University Road);
Thence	Southwesterly and southeasterly, by the westerly line of Parcel D (University Road), along the arc of a curve to the left, having a radius of 100.00 feet, an arc distance of 93.00 feet, to a point of tangency, said point being located N. 23° 10' 05" W., 4.39 feet from the southernmost point of said Parcel D;
Thence	S. 23° 10' 05" E., 54.85 feet, partially by the westerly line of Parcel D and partially by the southwesterly line of Parcel J (University Road), to a point of curvature therein;
Thence	Southwesterly, along the arc of a curve to the right, having a radius of 170.24 feet, an arc distance of 126.77 feet, partially by the southwesterly line of Parcel J and partially by the westerly line of Parcel G (University Road), to a point of tangency;

Thence S. 19° 29' 58" W., 149.00 feet, by Parcel G (University Road), to another point of curvature;

Thence Southwesterly, by Parcel G (University Road), along the arc of a curve to the left, having a radius of 10,869.00 feet, an arc distance of about 22.36 feet, to the first mentioned point, the point and place of beginning.

Containing 3.44 acres, more or less, as aforesaid.

All of the above recited provisions related to the Purpose, Management Plan, Prohibited Uses and Activities, and Special Considerations for Archaeological Resources, shall apply to this last above described parcel, except the 3rd provision listed under prohibited Uses and Activities.

Parcel IV is a portion of the same premises described as Parcels #5 and #7 in a deed from George P. Bates and Nancy B. Bates to George P. Bates and Nancy B. Bates, dated 16th December 1997 and recorded with Norfolk Registry of Deeds at Book 12170, Page 367 and registered with the Registered Land Section thereof as Document No. 779005 (See Transfer Certificate of Title No. 150978 issued by the Land Court to George P. Bates & Nancy B. Bates on December 24, 1997 and filed in Registration Book 755, Page 178.)

Parcel V

ADDITIONALLY taken herein and hereby is the right and easement, to prohibit development within a portion of the inner-riparian zone being 100 feet in depth and running along the mean annual high-water line on the easterly bank of the Neponset River and lying between the parcels previously described above, and more particularly described as a 100 foot strip running northerly from the southerly line of the above described 35 foot strip comprising the unrestricted portion of Parcel III, across said 35 foot strip, across Parcel B, across Parcel 1,2,3 & 2A, and across so much of Parcel C as lies southerly of the line described above, situated 300 feet from the northerly line of Parcel 1,2,3 and 2A, and also the right to construct within the westerly half of this Parcel V, a graveled public foot path or trail, not to exceed 12 feet, in width. Said foot path or trail easement shall likewise be delineated on the plan to be provided by said owners at a later date. Also included within the lands restricted in this third restrictive easement shall be the land beneath the waters of the Neponset River, from the high water mark on the easterly shore, to the thread of the river, and adjoining the 100 foot wide strip of land described above.

Only those provisions set forth above under Special Consideration for Archaeological Resources, shall apply to this third area of restrictive easement. None of the specific provisions listed under Prohibited Uses and Activities shall apply, nor those listed under Purpose and Management Plan.

The total area encumbered with the above described no-development restrictive easement is calculated to be 3.77 acres, more or less.

Parcel V is portions of the same premises described as Parcels #4, #5 and #7 in a deed from George P. Bates and Nancy B. Bates to George P. Bates and Nancy B. Bates, dated 16th December 1997 and recorded with Norfolk Registry of Deeds at Book 12170, Page 367 and registered with the Registered Land Section thereof as Document No. 779005 (See Transfer Certificate of Title No. 150978 issued by the Land Court to George P. Bates & Nancy B. Bates on December 24, 1997 and filed in Registration Book 755, Page 178.)

Parcel VI

ALSO taken herein and hereby is an access and egress easement over and across the above referenced private road known as University Road, from its intersection with Dedham Street to the northerly line of Parcel K, as shown upon the above cited Cheney Engineering Co. Inc. recorded plan, comprising an access easement over a strip of land 60 feet wide and containing 2.37 acres, conditioned upon and consistent with the terms and conditions of this order. Nothing within this order shall be construed to prohibit the owners from maintaining and widening University Road to a width of 60 feet, from the northerly edge of Parcel III to the southerly line of the excluded 1 acre office building site, described above and shown upon Exhibit A, to meet future needs for the non-restricted and restricted portions of their property. Provided, also, that said owners shall have the right to re-grade, realign, rebuild, improve and make safety improvements to University Road and enjoy its full use without limitation.

Parcel VI is a portion of the same premises described as Parcel #7 in a deed from George P. Bates and Nancy B. Bates to George P. Bates and Nancy B. Bates, dated 16th December 1997 and recorded with Norfolk Registry of Deeds at Book 12170, Page 367 and registered with the Registered Land Section thereof as Document No. 779005 (See Transfer Certificate of Title No. 150978 issued by the Land Court to George P. Bates & Nancy B. Bates on December 24, 1997 and filed in Registration Book 755, Page 178.) and all of that parcel labeled UNIVERSITY ROAD, upon the plan filed with Norfolk Registry of Deeds as Plan No. 268 of 1983 in Plan Book 302.

The aforementioned registered and unregistered or recorded parcels are supposed to be owned by the following owners:

OWNERS	RESTRICTION & EASEMENT AREA TAKEN
George P. Bates Nancy B. Bates	135.359 acres, more or less, in total

The above described property is represented upon Canton Assessors Tax Maps as most of Parcel 3 on Map 21, partially shown upon Maps 9,10,19,20,21, and 22.

Meaning and intending to take hereby a park and open space preservation restriction and conservation easement in, on and to the hereinbefore described premises, howsoever the same

may be bounded and described, and being most of the same premises described in a deed from George P. Bates and Nancy B. Bates to George P. Bates and Nancy B. Bates, dated 16th December 1997 and recorded with Norfolk Registry of Deeds at Book 12170, Page 367 and registered with the Registered Land Section thereof as Document No. 779005 (See Transfer Certificate of Title No. 150978 issued by the Land Court to George P. Bates & Nancy B. Bates on December 24, 1997 and filed in Registration Book 755, Page 178.)

The park and open space preservation restriction and conservation easements hereby taken, grant the Commission, its successors and assigns, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owners, including the right to privacy, and the right to fully use, occupy and enjoy the owners contiguous premises.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
George P. Bates Nancy B. Bates	$ 2,400,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $2,400,000, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Associate Commissioner Elkort did not participate in discussion or vote on this matter.

Action was taken upon the following matters relating to the Office of Planning:

1. Report of Mr. Haglund, December 18, recommending approval of an Amendment, for an extension of time to June 30, 2005, on Contract No. P95-037-D1A, with Childs Engineering Corporation for Lovejoy Wharf Design, Boston.
The Commission V O T E D: Approved

2. Report of Mr. Haglund, December 18, recommending approval of an Amendment, for an extension of time through December 2004, on Contract No. P95-038-D2A, with Comprehensive Environmental, Inc., for Environmental Testing and Remediation, North Point Park, Cambridge.
(At no additional Contract cost).
The Commission V O T E D: Approved

Adjourned at 10:00 a.m., to meet on Thursday, January 9, 2003 at 9:00 a.m.

William F.
Secretary

Record of the Four Thousand Fifty Fifth (4055th) Meeting of the Metropolitan District Commission duly called and held at MDC Headquarters Building, 20 Somerset Street, Boston, Massachusetts, on Thursday, January 9, 2003.

Present, Commissioner Balfour and Associate Commissioners Anzuoni, Elkort, Kahalas and Rollins.

The Records of the Commission Meeting held on December 12, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Lenhardt, November 19, 2002, recommending approval of a revision in quantities on Item No. 012-010 – Safety Signing for Construction Operations – at a cost of $9,100.00, on Contract No. P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston.
Funding from Account No. 2490-2001.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Lenhardt, December 19, recommending approval of Extra Work Order No. 2 – for removing existing ceramic tiles, cement masonry blocks and anchor loops from the walls of the bridge – at a cost of $24,837.30, on Contract No. P78-0639-C1A, with SPS New England, Inc., for Remedial Repairs to Longfellow Bridge.
(At no increase in Contract cost as the extra work will be offset by unused quantities in Item Nos. 022-010 – Glazed Concrete Block – 2 inch and 022-020 – Glazed Cement Block – 4 inch).
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $24,837.30.

3. Report of Messrs. Faucher and Galvin, December 9, recommending the following on Contract No. P00-2022- C1A, with J. D'Amico, Inc., for Construction of Wastewater Discharge Systems Modifications at General Edwards Bridge, Brookwood Farms and Breakheart Administration Building –
(a) That work be accepted as completed as of November 1, 2002.
(b) That Estimate No. 7 (Final), in the amount of $2,049.15, be approved for payment.
(c) That reserve, in the amount of $10,089.54, be approved for payment.
(Basis of Award - $232,044.00)
(Amount to Date - $201,790.88)
(Contract Performance Rating – 4.50)
(EEO Compliance – 3.33)
The Commission V O T E D: that the work of J. D'Amico, Inc., Contractor under Contract No. P00-2002-C1A, be and hereby is accepted as completed as of November 1, 2002.
The Commission further V O T E D: to approve Estimate No. 7 (Final), in the amount of $2,049.15, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of 10,089.54, for payment

1. Report of Messrs. Faucher, Misslin and Haider, December 20, requesting approval of Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No.P02-2167-M2A, for Maintenance and Service of Mechanical/Hydraulic and Power Systems at Various Flood Control/Navigation Sites.
Time for Performance – two years.
Estimated Cost – FY03-$85,000.00
FY04-$85,000.00
Contingent upon the appropriation of funds in Account No. 2440-7993.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P02-2167-M2A, for Maintenance and Service of Mechanical/Hydraulic and Power Systems at Various Flood Control/Navigation Sites.

2. Report of Messrs. Faucher and DiRamio, January 3, requesting approval of Project Summary, Work Schedule, Project Justification and authorization to advertise Project No. P97-1905-C1A, for Rehabilitation of the Thompson Center, Hyde Park.
Time for Performance – twelve months.
Estimated Cost - $1,525,500.00.
Funding from Account Nos. 2440-7991 and 2441-8958.
The Commission V O T E D: Approved.
The Commission further V O T E D: and authorization to advertise Project No. P97-1905-C1A, for Rehabilitation of the Thompson Center, Hyde Park

3. Report of Messrs. Faucher and Kirwin, January 6, requesting that the Commission amend its vote of October 10, 2002 approving the expenditure of $1,627,222.00 by increasing the estimated cost by $72,788.00, for a new total of $1,700,000.00, on Contract No. P03-2191-C1A, for Transportation Improvement Project McGrath Highway (Route 28) – 3 locations, Somerville.
(The increase is due to the fact that contract documents were originally prepared for advertising by MHD – Under MHD procedures Police Details and Railroad Flaggers are handled outside the contract. Under MDC procedures these items are handled as Allowance Items).
Funding from Account No. 2490-9917.
The Commission V O T E D: to amend its vote of October 10, 2002 approving the expenditure of $1,627,222.00 by increasing the estimated cost by $72,788.00, for a new total of $1,700,000.00, on Contract No. P03-2191-C1A, for Transportation Improvement Project McGrath Highway (Route 28) – 3 locations, Somerville, as requested by Messrs. Faucher and Kirwin in their report of January 6, 2003.

Action was taken upon the following matters relating to the Office of General Counsel:

4. Report of Mr. Gray, January 2, recommending that the Commission rescind the prior License Agreement with the City of Quincy dated June 27, 1999, and to approve and execute a new License Agreement with the City of Quincy, based upon and subject to the same terms and provisions, for the use of the property under the jurisdiction of the Commission known as the former Hurley's Boatyard and situated in the Houghs Neck section of the City of Quincy,

Massachusetts, in order to maintain and operate an ongoing boating service for the general public.
The Commission V O T E D: to rescind the prior License Agreement with the City of Quincy dated June 27, 1999, as recommended by Mr. Gray in his report of January 2, 2003.
The Commission further V O T E D: to approve a new License Agreement with the City of Quincy, based upon and subject to the same terms and provisions, for the use of the property under the jurisdiction of the Commission known as the former Hurley's Boatyard and situated in the Houghs Neck section of the City of Quincy, Massachusetts, in order to maintain and operate an ongoing boating service for the general public.
The Secretary then submitted for signature License Agreement, dated January 9, 2003, with the City of Quincy, which was signed by the Commissioner and four Associate Commissioners.

1. Report of Mr. Gray and Ms. O'Brien, January 6, recommending that the Commission approve and execute the following documents relating to the authorized transfers of interests in and to a portion of the former Metropolitan State Hospital site located in the City of Waltham, Massachusetts, to and from the City of Waltham, for use as a public golf course and for conservation, park or playground uses, including the lease of a portion of the site to the Metropolitan District Commission for use as a visitor's center, subject to the terms and provisions of Chapter 309 of the Acts of 1996: the Release Deed from the Commonwealth of Massachusetts acting by and through its Division of Capital Asset Management and Maintenance to the City of Waltham; the Conservation Easement by and between the City of Waltham and the Commonwealth acting by its Metropolitan District Commission; and the Lease Agreement by and between the City of Waltham and the Commonwealth acting by and through its Metropolitan District Commission; and to further authorize Commissioner Balfour to execute these and any and all other documents relating to these transfers on behalf of the Commission.
The Commission V O T E D: Approved as recommended by Mr. Gray and Mrs. O'Brien in their report of January 6, 2003.
The Commission further V O T E D: to authorize Commissioner Balfour to execute these and any and all other documents relating to these transfers on behalf of the Commission.

2. Report of Ms. McLaughlin, January 3, recommending that the Commission adopt an Order of Taking for acquisition of approximately 59 acres of land owned by Roland Morin and Martha L. Morin, formerly known as Martha L. Burlingame, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $470,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 59 acres of land owned by Roland Morin and Martha L. Morin, formerly known as Martha L. Burlingame, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, January 9, 2003.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996, Chapter 236 of the Acts of 2002, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel or tract of land situated south of Justice Hill Road, shown upon plans hereinafter referred to, more particularly bounded and described as follows:

Beginning at an iron pin found in the stone wall marking the northerly line of the parcel herein being described, at a corner of the abutting lots, located on the southerly side of Justice Hill Road Cutoff, said pin marking the southeasterly and rear corner of land, now or formerly, of Sean & Kara Casten (see the deed recorded with Worcester District Registry of Deeds at Book 23275, Page 166 and Lot C on the plan recorded as Plan 97 in Plan Book 394), and the southwesterly and rear corner of land, now or formerly, of Charles H. and Karin L. Brown (see the deed recorded with said Deeds at Book 15052, Page 299 and Lot B on the plan recorded as Plan 97 in Plan Book 394), said iron pin being located S. 27° 36' 21" W., 374.28 feet, as measured along the Casten & Brown lot line, from a concrete bound found in the curve forming the southerly layout line of the 1935 Worcester County Highway Record Layout of Justice Hill Road Cutoff (see the Order of the Worcester County Commissioners, dated November 16, 1934, recorded with said Deeds at Book 2626, Page 516, and the accompanying Plan H-2433-R, recorded therewith as Plan 11 in Plan Book 83) said iron pin also being located at the northwesterly corner of other excluded land, now or formerly, of the supposed owners listed below, specifically excluded from the provisions of this order and reserved to them, their heirs and assigns, shown upon a plan referenced below;

Thence S. 02° 26' 33" E., 152.28 feet, by the westerly line of the excluded lot, to an MDC concrete bound set at an angle in the line;

Thence S. 16° 58' 43" E., 617.49 feet, by the westerly line of the excluded lot, to a drill hole made in a boulder to mark the southwesterly corner of said excluded lot;

Thence S. 77° 49’ 15” E., 384.28 feet, by the southerly line of the excluded lot, to a drill hole found at a point in another stone wall marking the westerly line of land, formerly of John V. Blanchard, and, now or formerly, of Justice Hill Inc. (see the deed recorded with said Deeds at Book 6095, Page 338);

Thence S. 18° 42’ 52” E., 181.60 feet, by the stone wall, to a point therein;

Thence S. 20° 17’ 35” E., 184.13 feet, by the stone wall, to a point therein;

Thence S. 16° 44’ 05” E., 143.76 feet, by the stone wall, to a drill-hole made at a point therein at an angle in the wall;

Thence S. 62° 45’ 57” E., 266.53 feet, by the wall, to a point therein;

Thence S. 60° 56’ 24” E., 98.04 feet, by the wall, to another drill-hole made in a wall corner, at land, formerly of Harry & Dorothy Hunt, now or formerly, of T.D. Realty Trust (see the deed recorded with said Deeds at Book 10412, Page 83, the last five courses being by land, now or formerly, of Justice Hill Inc.;

Thence S. 09° 52’ 32” W., 60.10 feet, by the wall, and land, now or formerly, of T.D. Realty Trust, to another drill-hole made in another wall corner;

Thence S. 68° 55’ 10” W., 109.75 feet, by the wall and partially by land, now or formerly, of T.D. Realty Trust and partially by land, formerly of Edward C. Malone et ux, now or formerly, of Pascal A. Mancini (see the deed recorded with said Deeds at Book 18739, Page 395), to a point;

Thence S. 70° 20’ 35” W., 559.23 feet, by the wall and, partially by land, now or formerly, of Pascal A. Mancini, and partially by land, now or formerly, of Martin-Ireland Trust (see the deed recorded with said Deeds at Book 9110, Page 45 and see also Lots A and E on Plan 109 in Plan Book 580), to a point in the wall;

Thence S. 70° 03’ 23” W., 90.01 feet, by the wall and land, now or formerly, of Martin-Ireland Trust (see Lot E on the last cited recorded plan), to a point;

Thence S. 72° 25’ 45” W., 189.46 feet, by the wall and land, now or formerly, of Martin-Ireland Trust (see Lots E and F on the last cited recorded plan), to a point in the wall;

Thence S. 71° 41’ 38” W., 109.58 feet, by the wall and the land, now or formerly, of Martin-Ireland Trust (see Lot F on the last cited recorded plan), to another drill-hole made in another angular stone wall corner, at the northeasterly corner of land, formerly of Davis Farm Trust, now of the Commonwealth Of Massachusetts, Metropolitan District Commission (see the order of taking dated

June 5, 1996 recorded with said Deeds on July 2, 1996 at Book 18052, Page 284);

Thence N. 77° 18’ 31” W., 186.41 feet, by the wall, to a point therein;

Thence N. 76° 36’ 59” W., 422.29 feet, by the stone wall to a drill-hole made in a boulder at an angle in the line of the wall;

Thence N. 53° 26’ 42” W., 658.85 feet, by the stone wall, across a brook and running to another drill-hole made in a wall corner, at the southeasterly corner of land, formerly of Robert Morrison Jr., late of Bruce S. & Janet R. Baker, and now of the Commonwealth of Massachusetts, Metropolitan District Commission, (see the order of taking dated May 1, 1997, recorded with said Deeds on May 29, 1997 at Book 18860, Page 123), the last three courses being by the aforesaid land, formerly of Davis Farm Trust and now of the Commonwealth of Massachusetts, MDC;

Thence N. 08° 44’ 27” E., 448.36 feet, by the stone wall, re-crossing the brook and running to a point in the wall;

Thence N. 06° 47’ 57” E., 324.18 feet, by the stone wall to another drill-hole made in a boulder in the wall;

Thence N. 17° 38’ 57” E., 282.11 feet, by the stone wall;

Thence N. 19° 46’ 44” E., 397.84 feet, by the southerly line of to a point in the;

Thence N. 17° 38’ 53” E., 159.88 feet, by the stone wall, to another drill-hole made in another stone wall corner, at land, formerly of Robert E. Miller, later of John M. White, and, now or formerly, of Robert P. & Regina A. Laporte (see the deed recorded with said Deeds at Book 14576, Page 226);

Thence S. 74° 00’ 59” E., 456.42 feet, by the stone wall, partially by the aforesaid land, now or formerly, of Robert P. & Regina A. Laporte, and partially by the adjoining land, formerly of Kenneth A. Snyder, later of John M. White, and, now or formerly, of Robert P. & Regina A. Laporte (see the deed recorded with said Deeds at Book 13964, Page 172 and see Lot E on the plan recorded as Plan 97 in Plan Book 394) to a drill-hole made at a point in the stone point at the southwesterly corner of the aforesaid land, now or formerly, of Sean & Kara Casten;

Thence S. 73° 08’ 55” E., 280.00 feet, by the southerly line of land, now or formerly, of Sean & Kara Casten, to the iron pin first mentioned, being the point and place of beginning.

Containing 58.422 acres, more or less, out of the 66.47 acres shown upon a plan entitled "Land In Sterling, Mass. Surveyed For Clayton F. Mosher", dated April 1974, and prepared by Charles A. Perkins Co., Inc., signed Charles A. Perkins May 1, 1974, which plan is recorded with Worcester District Registry of Deeds as Plan 32 in Plan Book 398, the excluding 8.048 acres being shown upon a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, Sterling (Worcester County), MA, Land Taking Plan For Watershed Protection", dated June 24, 2002, prepared by Andrysick Land Surveying, An Office of Acton Survey & Engineering, Inc., Douglas W. Andrysick, P.L.S. No. 34608, which plan shall be recorded with Worcester District Registry of Deeds, at a later date, to be made a part of this order, a copy of a portion of which is appended hereto as Exhibit A.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being most of the same premises described in a deed from Clayton F. Mosher and Beatrice E. Gleason to Roland Morin and Martha L. Burlingame, dated 7th June 1974 and recorded with Worcester District Registry of Deeds at Book 5511, Page 329.

The above-described property is represented upon the former Sterling Assessors Tax Maps dated 1947 and redrawn in 1977 as most of Parcel 8 on Map 31.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Roland Morin Martha L. Morin, f. k. a. Martha L. Burlingame	$ 470,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $470,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A

1. Report of Mr. Gray, January 6, recommending that the Commission amend the vote of the Commission at its meeting of December 12, 2002, pertaining to the approval of an extension of

time to April 15, 2003, on Contract No. P02-2171-C1A, with Shaw Construction Corp., by removing the words "on condition that no further request will be made for additional compensation," and by inserting in place the words "subject to the approval by the Commission of any and all requests for additional compensation."

The Commission V O T E D: to amend the vote of the Commission at its meeting of December 12, 2002, pertaining to the approval of an extension of time to April 15, 2003, on Contract No. P02-2171-C1A, with Shaw Construction Corp., by removing the words "on condition that no further request will be made for additional compensation," and by inserting in place the words, "subject to the approval by the Commission of any and all requests for additional compensation".

Adjourned at 9:45 a.m., to meet on Thursday, January 16, 2003 at 9:00 a.m.

William F.
Secretary

Record of the Four Thousand Fifty Sixth (4056th) Meeting of the Metropolitan District Commission duly called and held at MDC Headquarters Building, 20 Somerset Street, Boston, Massachusetts, on Thursday, January 16, 2003.

Present, Commissioner Balfour and Associate Commissioners Anzuoni, Elkort, Kahalas and Rollins.

The Records of the Commission Meeting held on December 19, 2002, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Thurlow, December 17, requesting approval of Project Summary, Work Schedule, Project Justification and authorization to advertise Project No. P00-2083-C2A, for Arborcultural Services – 2003 and 2004.
Work to Commence during winter of 2003.
Estimated Cost - $400,000.00.
Funding from Account No. 2490-8910.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P00-2083-C2A, for Arborcultural Services – 2003 and 2004

2. Report of Messrs. Faucher, Gearheart and Misslin, January 3, requesting approval of Extra Work Order No. 5 – for installation of sedimentation controls – at a cost of $6,827.50, on Contract No.P02-2171-C1A, with Shaw Construction Co., Inc., for Reconstruction of Bernie King Pavilion, Nantasket Ave., Hull.
Funding from Account No. 2440-7991.
The Commission V O T E D: to approve Extra Work Order No. 5, in the amount of $6,827.50

3. Report of Messrs. Faucher, Misslin and Balicki, January 6, requesting approval to pay J. F. White, Co., negotiated claim, in the amount of $11,317.98, for extra work, on Contract No. P99-1987-C1A, for Pumps and Other Equipment Replacement, Fellsway Tunnel Pump Station, Somerville.
Funding from Account No. 2490-0017.
The Commission V O T E D: approval to pay J. F. White, Co., negotiated claim, in the amount of $11,317.98, for extra work, on Contract No. P99-1987-C1A, for Pumps and Other Equipment Replacement, Fellsway Tunnel Pump Station, Somerville.

4. Report of Messrs. Faucher and Gode-von Aesch, January 7, on bids for Upper Charles River Restoration – Phase 3A, Contract No. PL92-017-C3A.
(Messrs. Faucher and Gode-von Aesch recommend acceptance of the lowest bid received, that of D & C Construction Co., Inc./Norwell Equipment Co., Inc./D & C Realty Trust of $1,887,626.50).
The Commission V O T E D: to accept the lowest bid received, that of D & C Construction Co., Inc./Norwell Equipment Co., Inc./D & C Realty Trust of $1,887,626.50

1. Report of Messrs. Faucher, Misslin and Gabra, January 8, requesting approval of an extension of time from January 15, 2003 to January 29, 2003, on Contract No.P02-2175-M1A, with D & C Construction Company, Inc., for Rehabilitation of Flood Control Pump at Charles River Dam, Charlestown, due to cold weather, inspection and curing time for paint.
(At no increase in contract cost).
The Commission V O T E D: to approve an extension of time from January 15, 2003 to January 29, 2003, as requested by Messrs. Faucher, Misslin and Gabra, in their report of January 8, 2003, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation

2. Report of Mrs. Overton Bussell and Messrs. Faucher, Misslin, Church and Abounaja, January 8, recommending approval of an extension of time from February 2, 2003 to February 2, 2004, on Contract No.P00-2065-D2A, for Licensed Site Professional Services for Various MDC Contaminated Sites, with Tighe and Bond Consulting Engineers, to handle additional work assigned by the Commission at the former Bacon Property in Saugus and Ponkapoag Golf Course, Canton.
(At no additional Contract cost).
The Commission V O T E D: to approve an extension of time from February 2, 2003 to February 2, 2004, as recommended by Mrs. Overton Bussell, Faucher, Misslin, Church and Abounaja, in their report of January 8, 2003, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.
Associate Commissioner Elkort did not participate in discussion or vote on this matter

Action was taken upon the following matters relating to the Office of General Counsel:

3. Report of Mr. Collette, January 10, recommending that the Commission adopt an Order of Taking for acquisition of approximately 28.605 acres of land owned by Ann L. Lundquist, located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of $800,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 28.605 acres of land owned by Ann L. Lundquist, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, January 16, 2003.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter

15 of the Acts of 1996, Chapter 236 of the Acts of 2002, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel or tract of land lying on the southwesterly and southerly side of Bullard Street, shown as "Parcel B" upon a survey plan entitled "Land In Holden, Massachusetts Owned By: Ann L. Lundquist, To Be Conveyed To: The Metropolitan District Commission", dated June 27, 2002,
prepared by Bouley Brothers, Inc. Professional Land Surveyors 75 Hammond Street, Worcester MA, Arthur L. Bouley R.P.L.S. No. 29285, which plan shall be recorded with Worcester District Registry of Deeds, at a later date, and be made a part of this instrument, which "Parcel B" is more particularly bounded and described as follows:

Beginning at a drill hole found in a stone wall corner, at a point in the southwesterly line of Bullard Street, said drill hole being at the easternmost corner of the parcel herein being described, and the northernmost corner of the abutting land, formerly of Ezra Stearns, late of John C. Stark, Jr. & Harriet S. Stark, and now of the Commonwealth of Massachusetts, Metropolitan District Commission (see the order of taking dated 9/5/1996 recorded with Worcester District Registry of Deeds on 10/2/1996 at Book 18295, Page 281 and the survey plan referenced therein), said drill hole being further located as lying 432.44 feet northwesterly of the northwesterly corner of the intersection of Bullard Street and Malden Street;

Thence	S. 49° 14' 30" W., 268.72 feet, by the stone wall and land of the Commonwealth of Massachusetts, MDC, to a drill hole found at the northernmost corner of the remaining land, now or formerly, of the aforesaid John C. Stark, Jr. & Harriet S. Stark (see the deed recorded with said Deeds at Book 11183, Page 37 and the plan referenced therein recorded as Plan 66 in Plan Book 443);
Thence	S. 49° 51' 55" W., 382.99 feet, by the stone wall and the remaining land, now or formerly, of J.C. Jr. & H.S. Stark, to another drill hole found at a point in the wall;
Thence	S. 50° 21' 00" W., 269.96 feet, by the stone wall and the land, now or formerly, of Stark, to another drill hole found in a stone wall corner;
Thence	S. 49° 11' 05" W., 135.13 feet, by the stone wall and the land, now or formerly, of Stark, to another drill hole found at a point in the wall;
Thence	S. 49° 56' 20" W., 258.04 feet, by the stone wall and partially by land, now or formerly, of Stark, and partially by other land, formerly of Ezra Stearns, now or formerly, of Hannah S. Edwards (see the Probate of the Estate of Jane E.

Horstman, died 8/23/1974, Worcester Probate No. 265167 and see Plan 66 in Plan Book 443), to another drill hole found at a point in the wall;

Thence S. 50° 14’ 45” W., 87.94 feet, by the stone wall and land, now or formerly, of H.S. Edwards, to a point in a stone wall corner, located N. 11° 21’ 30” W., 1.65 feet from another drill hole found off-line at a point in the wall, at land, formerly of James Lee, now or formerly, supposed to be land of Eva James;

Thence N. 11° 21’ 30” W., 264.25 feet, by the wall and land, now or formerly, supposed to be of Eva James, running past another drill hole found and continuing to a point in the wall at other land, formerly of James Lee, now or formerly, supposed to be of Beverly J. Pope;

Thence N. 10° 53’ 18” W., 375.76 feet, by the wall and land, now or formerly, supposed to be of B.J. Pope, to another drill hole found in an angular wall corner, near the northeasterly corner of the last cited supposed abutter;

Thence N. 31° 08’ 48” W., 300.21 feet, by the wall and partially by land, now or formerly, supposed to be of Pope, and partially by other land, formerly of James Lee, later of E. Sanfried & Elsie M. Asplund, and now or formerly, supposed to be of Peter J. Thurston, and running to another drill-hole found at a point in the wall;

Thence N. 31° 59’ 09” W., 208.25 feet, by the wall and land, now or formerly, supposed to be of P.J. Thurston, to another drill hole found at another point in the wall;

Thence N. 31° 23’ 23” W., 276.36 feet, by the wall and land, now or formerly, supposed to be of Thurston, crossing a brook and running to a solid rod found at the northwesterly end of the wall, at land, formerly of Joshua Bassett, now or formerly, supposed to be of Edward Lemay;

Thence N. 48° 18’ 10” E., 486.54 feet, by land, now or formerly, supposed to be of E. Lemay, passing through three solid rods found on-line and running to a fourth solid rod found at a point in the southerly line of Bullard Street;

Thence N. 77° 50’ 42” E., 280.62 feet, by the southerly side of Bullard Street, to another solid rod found, at a point of curvature, opposite the intersection with Harris Street;

Thence Southeasterly, by the line of the street, along the arc of a curve to the right, having a radius of 111.00 feet, an arc distance of 93.12 feet, to a point of tangency;

Thence S. 53° 47’ 06” E., 72.40 feet, by the line of the street, to another solid rod found at the northwesterly end of a stone wall marking the southwesterly line of Bullard Street;

Thence S. 39° 48’ 49” E., 200.99 feet, by the street line and the wall to another drill hole found at a point therein;

Thence S. 42° 14’ 34” E., 138.44 feet, by the street line and the wall to another drill hole found at a point therein;

Thence S. 47° 56’ 39” E., 290.14 feet, by the street line and the wall to another solid rod found at a point therein;

Thence S. 50° 40’ 17” E., 105.76 feet, by the street line and the wall to a drill hole set at a point in the wall, at the northerly corner of “Parcel A”, other land, now or formerly, of Ann L. Lundquist, specifically excluded from the provisions of this order and reserved to her, her heirs and assigns:

Thence S. 45° 12’ 55” W., 228.45 feet, by the northwesterly line of “Parcel A”, to an MDC concrete bound set at the westerly corner thereof;

Thence S. 43° 00’ 07” E., 251.99 feet, by the southwesterly line of “Parcel A”, to another MDC concrete bound set at the southerly corner thereof;

Thence N. 41° 17’ 18” E, 277.57 feet, by the southeasterly line of “Parcel A”, to another drill hole set at a point in the stone wall marking the southwesterly line of Bullard Street

Thence S. 60° 47’ 58” E., 122.03 feet, by the southwesterly line of Bullard Street and the stone wall, to the first mentioned drill hole found in the wall corner at the northernmost corner of land of the Commonwealth of Massachusetts, MDC, being the point and place of beginning.

Containing an area of 1,246,026.61 square feet, or 28.6048 acres as shown as “Parcel B” upon the survey plan referenced at the beginning of this description.

(Note that the total area of Parcels “B” and “A” is calculated to be 29.9940 acres according to this survey, while the Holden Assessors Tax Map shows 30.0 acres for the whole parent parcel.)

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Bullard Street which may be held by the supposed owner, as the result of her ownership of the above described premises, and being most of the same premises described in a deed from Randolph E. Lundquist to Ann L.

Lundquist, dated 2nd April 1997 and recorded with Worcester District Registry of Deeds at Book 18716, Page 330.

The above-described property is represented upon Holden Assessors Tax Map 134 as most of Parcel 18.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Ann L. Lundquist	$ 800,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $800,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

1. Report of Ms. McLaughlin, January 13, recommending that the Commission adopt an Order of Taking for acquisition of approximately 3.1 acres of land owned by Richard G. Schwartz, Trustee for the JWS Realty Trust, located in the Dorchester section of the City of Boston, and to approve an award of damages in the amount of $900,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A, and to further approve the funding of the environmental remediation and design planning of the site from Account No. 2420-1420, in accordance with the provisions of Chapter 236 of the Acts of 2000. The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 3.1 acres of land owned by Richard G. Schwartz, Trustee for the JWS Realty Trust, located in the Dorchester section of the City of Boston.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, January 16, 2003.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 15 of the Acts of 1996, Chapter 236 of the Acts of 2002 and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Dorchester District of the City of Boston in the County of Suffolk and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the easterly side of Granite Avenue and the southerly side of Hill Top Street, and being numbered 138-140 Granite Avenue in the present numbering of said street, and being shown as the parcel marked “Roxbury Iron and Metal Co., Inc.” on a plan of land entitled “Plan of Land in Boston, Dorchester, July 29, 1953, Walter R. Luby, Sur., Sheet 2”, which plan is recorded with Suffolk County Registry of Deeds in Book 6888, Page 65, more particularly bounded and described as follows:

WESTERLY by Granite Avenue by two lines measuring 81.51 feet and 218.19 feet respectively (see the Massachusetts Department of Public Works order of taking for Route 37-Granite Avenue, dated August 26, 1958 as recorded with said Deeds in Book 7337, Page 119 and the accompanying plan of the same date being Layout No. 4727 recorded therewith);

NORTHERLY by Hill Top Street, a City of Boston public way, 531.34 feet;

NORTHEASTERLY by land, formerly, of one Reddy, now or formerly, supposed to be, according to City Assessors Records, of New England Millwork, John Desimone & William Lynch General Partners, 144.63 feet;

EASTERLY by land, formerly of the Milton Branch of the Old Colony Railroad, operated by the New York New Haven and Hartford Railroad, later property of the Penn Central Transportation Company, late of the Consolidated Rail Corporation (Conrail) and now of the Commonwealth of Massachusetts, Metropolitan District Commission, 602.79 feet (see the order of taking dated June 4, 1992 recorded with said Deeds on July 2, 1992 in Book 17574, Page 239 and the railroad plan entitled “Right of Way and Track Map Old Colony R.R. Co. Operated By the New York New Haven and Hartford R.R. Co., From Neponset To Mattapan, Station 0+0 to Station 53+14.86, City of Boston, State of Mass., Scale 1”= 100ft., June 30, 1915 Office of Valuation Engineer Boston Mass.”, being sheet V5/24/25/1, a copy of which is on file in the Office of the General Counsel of the MDC, at Commission Headquarters, 20 Somerset Street, Boston Massachusetts).

Containing 135,484 square feet, more or less as shown upon the above cited recorded plan.

The above-described premises are carried upon the City of Boston Tax Rolls as Ward 16 Parcel 4290 and are shown upon Boston Assessors Plan Ward 16078 as Block 136M.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Granite Avenue and/or Hill Top Street, which may be held by the supposed owner, as a result of his ownership of the above described property, and being the same premises described in two deeds from John W. Sax to Richard G. Schwartz, Trustee of the JWS Realty Trust under Declaration of Trust dated December 23, 1999 and recorded with said Deeds in Book 24557, Page 161, the first deed dated 23rd December 1999 and recorded with Said Deeds on December 30, 1999 in Book 24557, Page 171, and the second deed dated 4th January, 2000 and recorded with Said Deeds on January 6, 2000 in Book 24576, Page 336. (Note that each deed conveyed a one-half interest in the locus premises.)

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the City of Boston, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNER	AWARD
Richard G. Schwartz, Trustee of the JWS Realty Trust	$ 900,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $900,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.

The Commission further V O T E D: to approve the funding of the environmental remediation and design planning of the site from Account No. 2420-1420, in accordance with the provisions of Chapter 236 of the Acts of 2000.

Action was taken upon the following Various Matter:

1. Report of Mr. Jewett, January 15, requesting approval of the selection of FS Engineering, as recommended by the Selection Committee, for Licensed Site Professional Services needed to

deal with all Massachusetts Contingency Plan, 21E issues, located at the Elm Bank Reservation in Dover.
Contract cost – shall not exceed $35,000.00 on a unit cost basis.
Time for Performance – twelve months.
Funding from Account No. 2440-9101.
The Commission V O T E D: to approve the selection of FS Engineering, as recommended by the Selection Committee, in their report of January 15, 2002, for Licensed Site Professional Services needed to deal with all Massachusetts Contingency Plan, 21E issues, located at the Elm Bank Reservation in Dover

Adjourned at 10:15 a.m., to meet on Thursday, January 23, 2003 at 9:00 a.m.

Secretary

Record of the Four Thousand Fifty Seventh (4057th) Meeting of the Metropolitan District Commission duly called and held at MDC Headquarters Building, 20 Somerset Street, Boston, Massachusetts, on Thursday, January 23, 2003.

Present, Commissioner Balfour and Associate Commissioners Anzuoni, Elkort, Kahalas and Rollins.

The Records of the Commission Meeting held on January 9, 2003 were read and approved.

The Secretary submitted for signature the following paper which was signed the Commissioner and four Associate Commissioners:

1. Contract No. P00-2022-C3A, dated January 23, 2003, with D'Allessandro Corp., for Construction of Sewer Connections at the Leo J. Martin Golf Course in Newton and Camp Nihan in Saugus.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher, Carrigan and MacLean, January 9, recommending approval of revisions in quantities on the following items on Contract No. P00-2087-C1A, with D'Allessandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System –

Item No. 017-010 Individual Lock Post	**$ 793.00**
Item No. 025-010 Closure Gate Repair or Alteration	**$2,796.00**
Item No. 061-010 Furnish and Install Black, Vinyl-Clad Chain Link Fencing, 8' High	**$ 825.00**
Item No. 063-010 Furnish and Install Black, Vinyl-Clad Chain Link Fencing, 10' High	**$1,890.00**
Total -	**$6,304.90**

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 084-010 – Hay Bales and 084-020 – Sedimentation Fence).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Orfant, January 13, requesting that the Commission approve an Amendment to the Secretary's Order No. 49963, as approved by the Commission on November 21, 2002, on Contract No.P02-2162-C1A, for Historic Parkways Initiative: Memorial Drive Demonstration Project, by changing the Account No. from 2440-8956 to Account No. 2490-0017.
The Commission V O T E D: to approve an Amendment to the Secretary's Order No. 49963, as approved by the Commission on November 21, 2002, on Contract No.P02-2162-C1A, for

Historic Parkways Initiative: Memorial Drive Demonstration Project, by changing the Account No. from 2440-8956 to Account No. 2490-0017

1. Report of Messrs. Faucher and Lenhardt, January 21, recommending approval of Extra Work Order No. 28 – for replacement of gears in the transmission to Phase III – at a cost of $41,321.76, on Contract No.P99-1986-C2A, with James A. Gross, Inc., for Repair of John J. Beades Drawbridge, Boston.
(At no increase in Contract cost as the extra work will be offset by unused quantities on Item Nos. 003-010, 004-011, 005-010, 005-011, 005-012, 005-013, 005-014, 005-015, 005-016, 005-017, 005-018, 005-019, 005-020, 007-010, 009-010 and 010-010).
The Commission V O T E D: to approve Extra Work Order No. 28, in the amount of $41,321.76

2. Report of Messrs. Faucher and Soroka, January 15, recommending approval of a revision in quantities on Item No. 014-010 – Traffic Signal Wire TFF #18 – at a cost of $500.00, on Contract No.P02-2142-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems Charles River Basin Districts.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 002-020 – Materials, Components and Parts).
The Commission V O T E D: Approved

3. Report of Messrs. Faucher, Misslin and Sodano, January 17, requesting approval of the action of Deputy Commissioner Faucher, resulting in a revision in quantities on Item No. 01590-1 – Field Trailer – at a cost of $14,000.00, on Contract No.PL95-031-C1A, with Fleming Brothers, Inc., for Construction of Abigail Adams Park, Back River Reservation, Weymouth, due to the fact that the contractor was granted an extension of time from January 2003 to June 2003.
(At no increase in contract cost as the revision will offset by unused quantities in Item No. 03900-1 – Traffic Control Services).
The Commission V O T E D: to approve of the action of Deputy Commissioner Faucher which resulted in a revision in quantities on Item No. 01590-1, on Contract No. PL95-031-C1A.
The Commission further V O T E D: to approve the revision in quantities on Item No. 01590-1 – Field Trailer – at a cost of $14,000.00.

Action was taken upon the following matters relating to the Watershed Management Division:

4. Report of Messrs. McGinn and O'Connor, January 13, requesting approval of an extension of time and a revision in quantities on Contract No. WM94-003-C1A, with TASCO Construction, Inc., for Remedial Repairs/Improvements for Public Safety Considerations, Beaman Street Bridge, West Boylston, as follows – an extension of time from February 4, 2003 to June 30, 2003, and a revision in quantities – for Item No. 01554 – Reflectorized Drums with Flashers – at a cost of $4,320.00.
Funding from Account No. 2490-2001.
The Commission V O T E D: to approve an extension of time from February 4, 2003 to June 30, 2003, as requested by Messrs. McGinn and O'Connor in their report of January 13, 2003, to

be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.
The Commission further V O T E D: to approve a revision in quantities – for Item No. 01554 – Reflectorized Drums with Flashers – at a cost of $4,320.00.

1. Report of Messrs. McGinn and Pula, December 18, on proposals for the tapping of sugar maple trees located on the Quabbin Reservoir Watershed.
(Messrs. McGinn and Pula recommend:
Sugar Maple Lot #123 - Quabbin Reservoir Watershed in the Town of Belchertown, containing 453 sugar maple trees to be tapped with a total of 906 taps allowed. Acceptance of the only bid, that of Shattuck Sugar House, 34 Kopec Ave., Belchertown, MA. 01007 for $271.80.
Sugar Maple Lot #124 - Quabbin Reservoir Watershed in the Town of New Salem, containing 277 sugar maple trees to be tapped with a total of 471 taps allowed. Acceptance of the only bid, that of Philip G. Johnson, 30 Ward Road, Orange, MA. 01364 for $193.11

Sugar Maple Lot #125 - Quabbin Reservoir Watershed in the Town of New Salem, containing 171 sugar maple trees to be tapped with a total of 404 taps allowed. Acceptance of the only bid, that of Philip G. Johnson, 30 Ward Road, Orange, MA. 01364 for $129.28.

Sugar Maple Lot #126 - Quabbin Reservoir Watershed in the Town of New Salem, containing 202 sugar maple trees to be tapped with a total of 491 taps allowed. Acceptance of the only bid, that of Philip G. Johnson, 30 Ward Road, Orange, MA. 01364 for $171.85.
Sugar Maple Lot #127 - Quabbin Reservoir Watershed in the Town of New Salem, containing 312 sugar maple trees to be tapped with a total of 420 taps allowed. Acceptance of the only bid, that of Philip G. Johnson, 30 Ward Road, Orange, MA. 01364 for $159.60.
Sugar Maple Lot #128 - Quabbin Reservoir Watershed in the Town of New Salem, containing 175 sugar maple trees to be tapped with a total of 235 taps allowed. Acceptance of the only bid, that of Philip G. Johnson, 30 Ward Road, Orange, MA. 01364 for $94.00.
Sugar Maple Lot #129 - Quabbin Reservoir Watershed in the Town of Petersham, containing 287 sugar maple trees to be tapped with a total of 557 taps allowed. Acceptance of the only bid, that of Philip Johnson, 30 Ward Road, Orange, MA. 01364 for $167.10.
Sugar Maple Lot #131 - Quabbin Reservoir Watershed in the Town of Petersham, containing 147 sugar maple trees to be tapped with a total of 210 taps allowed. Acceptance of the only bid, that of Francis Misiuk, 20 Woodward Road, Petersham, 01364 for $63.00.
Sugar Maple Lot# 132 - Quabbin Reservoir Watershed in the Town of New Salem, containing 449 sugar maple trees to be tapped with a total of 611 taps allowed. Acceptance of the only bid, that of Philip Johnson, 30 Ward Road, Orange, MA. 01364 for $244.40.
Sugar Maple Lot #133 - Quabbin Reservoir Watershed in the Town of New Salem, containing 334 sugar maple trees to be tapped with a total of 444 taps allowed. Acceptance of the only bid, that of Philip Johnson, 30 Ward Road, Orange, MA. 01364 for $177.60.
Sugar Maple Lot #134 - Quabbin Reservoir Watershed in the Town of Petersham, containing 64 sugar maple trees to be tapped with a total of 89 taps allowed. Acceptance of the only bid, that of Hardwick Sugar Shack, 572 Jackson Road, Hardwick, MA. 01037 for $30.00).
The Commission V O T E D: Approved as recommended by Messrs. McGinn and Pula in their report of December 18, 2002.

Action was taken upon the following Various Matters:

1. Report of the Concession Selection Committee, January 17, recommending that the Commission grant a two year extension to Richard Milmore of Ally's at the Beach, the MDC's concessionaire at Nantasket Beach, along with the one year remaining on his existing permit.
As a result of numerous problems, which were not of his making, and the significant investment he must make for new and/or used restaurant equipment, the Concession Selection Committee further recommends that compensation for 2003 be set at $2,500.00 – 2004 be set at $2,500.00 and 2005 be set at $12,500.00.
The Commission V O T E D: to approve a two year extension to Richard Milmore of Ally's at the Beach, the MDC's concessionaire at Nantasket Beach, along with the one year remaining on his existing permit.
The Commission further V O T E D: that compensation for 2003 be set at $2,500.00 – 2004 be set at $2,500.00 and 2005 be set at $12,500.00, as recommended by the Concession Selection Committee, in their report of January 17, 2003.

2. Report of Mr. Doak, January 17, requesting approval of an extension of time from December 1, 2002 through March 31, 2003 on the Permit-Agreement with Charles River Recreation, Inc., for cross country skiing at Leo J. Martin Golf Course, Weston.
Mr. Doak further requests that the Secretary be authorized to execute the extension document on behalf of the Commission.
The Commission V O T E D: to approve of an extension of time from December 1, 2002 through March 31, 2003 on the Permit-Agreement with Charles River Recreation, Inc., for cross country skiing at Leo J. Martin Golf Course, Weston.
The Commission further V O T E D: to authorize Secretary Chisholm to execute the extension document on behalf of the Commission.

Adjourned at 9:35 a.m., to meet on Thursday, January 30, 2003 at 9:00 a.m.

William J. Chisholm
Secretary

Record of the Four Thousand Fifty Eighth (4058th) Meeting of the Metropolitan District Commission duly called and held at MDC Headquarters Building, 20 Somerset Street, Boston, Massachusetts, on Thursday, January 30, 2003.

Present, Commissioner Balfour and Associate Commissioners Anzuoni, Elkort, Kahalas and Rollins.

The Records of the Commission Meeting held on January 16, 2003, were read and approved.

The Secretary submitted for signature the following paper which was signed the Commissioner and four Associate Commissioners:

1. Contract No. PL92-017-C3A, dated January 30, 2003, with D & C Construction Co., Inc./Norwell Equipment Co., Inc./D & C Realty Trust, for Upper Charles River Restoration – Phase 3A.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher, Carrigan and MacLean, January 9, recommending approval of revisions in quantities on the following items on Contract No. P00-2087-C1A, with D'Allessandro Corporation, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System –

Item No. 017-010 Individual Lock Post	**$ 793.00**
Item No. 025-010 Closure Gate Repair or Alteration	**$2,796.00**
Item No. 061-010 Furnish and Install Black, Vinyl-Clad Chain Link Fencing, 8' High	**$ 825.00**
Item No. 063-010 Furnish and Install Black, Vinyl-Clad Chain Link Fencing, 10' High	**$1,890.00**
	Total - $6,304.90

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 084-010 – Hay Bales and 084-020 – Sedimentation Fence).
The Commission V O T E D: Approved.

3. Report of Mrs. Overton Bussell and Messrs. Faucher and DiRamio, January 24, requesting approval of an extension of time from April 15, 2003 to September 15, 2004, on Contract No. P95-1807-D2A, with HNTB Corporation, for Dorchester Shores – West Link Project, to allow HNTB Corporation to complete services as outlined in their contract.
The Commission V O T E D: Approved

1. Report of Messrs. Faucher, Doak and Thurlow, January 27, requesting approval of Project Summary, Work Schedule, Project Justification and authorization to advertise Project No.P03-2196-C1A, for Tee Box Improvements at Leo J. Martin Golf Course.
Duration of Project – Four Months
Estimated Cost - $35,000.00
Funding from Account No. 2440-4421.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P03-2196-C1A, for Tee Box Improvements at Leo J. Martin Golf Course

Action was taken upon the following matter relating to the Watershed Management Division:

2. Report of Messrs McGinn and Worden, January 13, requesting approval of Project Summary, Work Schedule, Project Justification and authorization to advertise Project No. WM03-079-X1A, for Hand Harvesting – removal of Eurasian Water – milfoil.
Estimated Cost - $50,000.00.
Time for Performance – April through October.
Funding from Account No. 2420-1400.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. WM03-079-X1A, for Hand Harvesting – removal of Eurasian Water – milfoil

3. Report of Messrs. McGinn and Worden, January 13, requesting approval of Project Summary, Work Schedule, Project Justification and authorization to advertise Project No. WM03-080-X1A, for Biological Control of Eurasian Water – milfoil – Wachusett Reservoir.
Estimated Cost - $20,000.00.
Time for Performance – April 2003 through November 2004.
Funding from Account No. 2420-1400.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. WM03-080-X1A, for Biological Control of Eurasian Water – milfoil – Wachusett Reservoir

Action was taken upon the following Various Matter:

4. Report of Mrs. O'Brien, January 3, recommending approval of Amendment No. 6, to Contract No. P95-037-D1A, with Childs Engineering Corporation, for Lovejoy Wharf Design, Boston, which will increase the Contract cost from $317,067.71 to $373,751.66, for a total increase of $56,683.95, due to the need for additional work on the Contract.
Funding from Account No. 2449-1001.
The Commission V O T E D: Approved

Action was taken upon the following matters relating to the Office of General Counsel:

5. Report of Mr. Gray, January 27, recommending that the Commission declare surplus and transfer to Cambridge Charter Realty 1, LLC, certain parcels of land located off McGrath Highway in the City of Somerville, Massachusetts.

The Commission V O T E D: to declare surplus and transfer to Cambridge Charter Realty 1, LLC, certain parcels of land located off McGrath Highway in the City of Somerville, Massachusetts, containing approximately 0.58 acres, in accordance with the provisions of Chapter 262 of the Acts of 2002, for the purposes identified in said Act, but subject also to the following conditions: that the recipient meet with the Planning Office of the Metropolitan District Commission and provide site plan review prior to the commencement of construction activities; that the recipient design improvements to incorporate best management practices for the management of storm water; that the recipient be responsible for compliance with the Massachusetts Environmental Policy Act (MEPA) and all applicable laws, ordinances, rules and regulations resulting from this transfer; and that the Division of Capital Asset Management and Maintenance provide the Commission with copies of all recorded instruments resulting from the implementation of the provisions of said Act

1. Report of Mr. Gray, January 27, recommending that the Commission declare surplus and transfer to the City of Marlborough, certain parcels of land located in the City of Marlborough, Massachusetts.

The Commission V O T E D: to declare surplus and transfer to the City of Marlborough, certain parcels of land located in the City of Marlborough, Massachusetts, containing approximately 0.736 acres, in accordance with the provisions of Chapter 255 of the Acts of 2002, for the purposes identified in said Act, but subject also to the following conditions: that any significant changes to this water supply protection and construction project shall be subject to the review and approval of the Watershed Management Division of the Metropolitan District Commission; and the City of Marlborough shall be responsible for compliance with the Massachusetts Environmental Policy Act (MEPA) and all applicable laws, ordinances, rules and regulations resulting from the conveyance of these parcels, and the construction of improvements thereon

Adjourned at 9:35 a.m., to meet on Thursday, February 6, 2003 at 9:00 a.m.

Thomas P. Gray
for Secretary

Record of the Four Thousand Fifty Ninth (4059th) Meeting of the Metropolitan District Commission duly called and held at MDC Headquarters Building, 20 Somerset Street, Boston, Massachusetts, on Thursday, February 6, 2003.

As Commissioner Balfour was not available for today's Meeting, pursuant to Massachusetts General Laws, Chapter 28, Section 3 and Chapter 30, Section 6, he delegated Associate Commissioner Elkort as Acting Commissioner for today's Meeting.

Present, Acting Commissioner Elkort and Associate Commissioners Anzuoni, Kahalas and Rollins.

The Records of the Commission Meeting held on January 23, 2003, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Mrs. Overton Bussell and Messrs. Faucher, Misslin, Church and Abounaja, January 13, requesting approval of additional funding, in the sum of $10,000.00, to cover the cost of Asbestos Abatement supervision and air monitoring at the MDC pump station and facilities, on Contract No.P00-2063-D1A, with Yee Consulting Group, for Industrial Hygiene Services for Various MDC Facilities.
Funding from Account No. 2440-7994.
The Commission V O T E D: to approve additional funding, in the sum of $10,000.00, on Contract No.P00-2063-D1A, as requested by Mrs. Overton Bussell and Messrs. Faucher, Misslin, Church and Abounaja, in their report of January 13, 2003

2. Report of Messrs. Faucher and Lenhardt, January 28, recommending approval of Extra Work Claim No. 2 – for reimbursement for flagging services – at a cost of $1,805.25, on Contract No. P96-1819-C1A, with Boston Building and Bridge Corp., for Rehabilitation of Sweetser Bridges (Nos. 20 and 25), Everett.
Funding from Account No. 2490-2001.
The Commission V O T E D: to approve Extra Work Claim No. 2, at a cost of $1,805.25, on Contract No. P96-1819-C1A

3. Report of Messrs. Faucher, Haider and Misslin, January 13, recommending the following on Contract No.P02-2163-C1A, with Patrick J. Kennedy & Sons, Inc., for Replacement of a 5 Ton Natural Gas Absorption Chiller at Ponkapoag Golf Course, Canton –
(a) That work be accepted as completed as of August 15, 2002.
(b) That reserve, in the amount of $3,065.00, be approved for payment.
(Basis of Award - $61,300.00)
(Amount to Date - $61,300.00)
(Contract Performance Rating – 3.83)
(EEO Compliance – 2.75)
The Commission V O T E D: that the work of Patrick J. Kennedy & Sons, Inc., Contractor under Contract No. P02-2163-C1A, be and hereby is accepted as completed as of August 15, 2002.

The Commission further V O T E D: to approve release of reserve, in the amount of $3,065.00, for payment.
Acting Commission Elkort noted that she would normally abstain from voting on an item concerning the Town of Canton, but since a vote is required and her vote is needed for approval, she as compelled to vote or there would be a delay of a week before the matter could be taken up again

1. Report of Messrs. Faucher, Gearheart, Misslin and Kane, February 3, requesting approval of an extension of time from November 30,2002 to March 31, 2003 and Extra Work Order No. 5 – for Installation of Roof Penetration Boots and Roofing Material for the Vestibule – at an estimated cost of $2,390.00, on Contract No. P02-2138-C1A, with E. A. Colangeli Construction Company, Inc., for Construction of Visitor's Center Foundation and Maintenance Building at Breakheart Reservation, Saugus.
Funding from Account No. 2440-7991.
The Commission V O T E D: to approve extension of time from November 30, 2002 to March 31, 2003, as requested by Messrs. Faucher, Gearheart, Misslin and Kane, in their report of February 3, 2003.
The Commission further V O T E D: to approve Extra Work Order No. 5, in the amount of $2,390.00.

Action was taken upon the following matters relating to the Office of General Counsel:

2. Report of Ms. McLaughlin, February 3, recommending that the Commission ratify the vote of the Commission at its meeting on January 9, 2003, and adopt an Order of Taking for acquisition of approximately 59 acres of land owned by Roland Morin and Martha L. Morin, formerly known as Martha L. Burlingame, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $470,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A.
Account No. 2420-8936.
The Commission V O T E D: to ratify the vote of the Commission at its meeting on January 9, 2003, and adopt an Order of Taking for acquisition of approximately 59 acres of land owned by Roland Morin and Martha L. Morin, formerly known as Martha L. Burlingame, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $470,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, February 6, 2003.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996, Chapter 236 of the Acts of 2002, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and

authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel or tract of land situated south of Justice Hill Road, shown upon plans hereinafter referred to, more particularly bounded and described as follows:

Beginning at an iron pin found in the stone wall marking the northerly line of the parcel herein being described, at a corner of the abutting lots, located on the southerly side of Justice Hill Road Cutoff, said pin marking the southeasterly and rear corner of land, now or formerly, of Sean & Kara Casten (see the deed recorded with Worcester District Registry of Deeds at Book 23275, Page 166 and Lot C on the plan recorded as Plan 97 in Plan Book 394), and the southwesterly and rear corner of land, now or formerly, of Charles H. and Karin L. Brown (see the deed recorded with said Deeds at Book 15052, Page 299 and Lot B on the plan recorded as Plan 97 in Plan Book 394), said iron pin being located S. 27° 36' 21" W., 374.28 feet, as measured along the Casten & Brown lot line, from a concrete bound found in the curve forming the southerly layout line of the 1935 Worcester County Highway Record Layout of Justice Hill Road Cutoff (see the Order of the Worcester County Commissioners, dated November 16, 1934, recorded with said Deeds at Book 2626, Page 516, and the accompanying Plan H-2433-R, recorded therewith as Plan 11 in Plan Book 83) said iron pin also being located at the northwesterly corner of other excluded land, now or formerly, of the supposed owners listed below, specifically excluded from the provisions of this order and reserved to them, their heirs and assigns, shown upon a plan referenced below;

Thence S. 02° 26' 33" E., 152.28 feet, by the westerly line of the excluded lot, to an MDC concrete bound set at an angle in the line;

Thence S. 16° 58' 43" E., 617.49 feet, by the westerly line of the excluded lot, to a drill hole made in a boulder to mark the southwesterly corner of said excluded lot;

Thence S. 77° 49' 15" E., 384.28 feet, by the southerly line of the excluded lot, to a drill hole found at a point in another stone wall marking the westerly line of land, formerly of John V. Blanchard, and, now or formerly, of Justice Hill Inc. (see the deed recorded with said Deeds at Book 6095, Page 338);

Thence S. 18° 42' 52" E., 181.60 feet, by the stone wall, to a point therein;

Thence S. 20° 17' 35" E., 184.13 feet, by the stone wall, to a point therein;

Thence S. 16° 44' 05" E., 143.76 feet, by the stone wall, to a drill-hole made at a point therein at an angle in the wall;

Thence S. 62° 45' 57" E., 266.53 feet, by the wall, to a point therein;

Thence S. 60° 56’ 24” E., 98.04 feet, by the wall, to another drill-hole made in a wall corner, at land, formerly of Harry & Dorothy Hunt, now or formerly, of T.D. Realty Trust (see the deed recorded with said Deeds at Book 10412, Page 83, the last five courses being by land, now or formerly, of Justice Hill Inc.;

Thence S. 09° 52’ 32” W., 60.10 feet, by the wall, and land, now or formerly, of T.D. Realty Trust, to another drill-hole made in another wall corner;

Thence S. 68° 55’ 10” W., 109.75 feet, by the wall and partially by land, now or formerly, of T.D. Realty Trust and partially by land, formerly of Edward C. Malone et ux, now or formerly, of Pascal A. Mancini (see the deed recorded with said Deeds at Book 18739, Page 395), to a point;

Thence S. 70° 20’ 35” W., 559.23 feet, by the wall and, partially by land, now or formerly, of Pascal A. Mancini, and partially by land, now or formerly, of Martin-Ireland Trust (see the deed recorded with said Deeds at Book 9110, Page 45 and see also Lots A and E on Plan 109 in Plan Book 580), to a point in the wall;

Thence S. 70° 03’ 23” W., 90.01 feet, by the wall and land, now or formerly, of Martin-Ireland Trust (see Lot E on the last cited recorded plan), to a point;

Thence S. 72° 25’ 45” W., 189.46 feet, by the wall and land, now or formerly, of Martin-Ireland Trust (see Lots E and F on the last cited recorded plan), to a point in the wall;

Thence S. 71° 41’ 38” W., 109.58 feet, by the wall and the land, now or formerly, of Martin-Ireland Trust (see Lot F on the last cited recorded plan), to another drill-hole made in another angular stone wall corner, at the northeasterly corner of land, formerly of Davis Farm Trust, now of the Commonwealth Of Massachusetts, Metropolitan District Commission (see the order of taking dated June 5, 1996 recorded with said Deeds on July 2, 1996 at Book 18052, Page 284);

Thence N. 77° 18’ 31” W., 186.41 feet, by the wall, to a point therein;

Thence N. 76° 36’ 59” W., 422.29 feet, by the stone wall to a drill-hole made in a boulder at an angle in the line of the wall;

Thence N. 53° 26’ 42” W., 658.85 feet, by the stone wall, across a brook and running to another drill-hole made in a wall corner, at the southeasterly corner of land, formerly of Robert Morrison Jr., late of Bruce S. & Janet R. Baker, and now of the Commonwealth of Massachusetts, Metropolitan District Commission, (see the order of taking dated May 1, 1997, recorded with said Deeds on May 29, 1997 at Book 18860, Page 123), the last three courses being by the aforesaid

land, formerly of Davis Farm Trust and now of the Commonwealth of Massachusetts, MDC;

Thence N. 08° 44’ 27” E., 448.36 feet, by the stone wall, re-crossing the brook and running to a point in the wall;

Thence N. 06° 47’ 57” E., 324.18 feet, by the stone wall to another drill-hole made in a boulder in the wall;

Thence N. 17° 38’ 57” E., 282.11 feet, by the stone wall;

Thence N. 19° 46’ 44” E., 397.84 feet, by the southerly line of to a point in the;

Thence N. 17° 38’ 53” E., 159.88 feet, by the stone wall, to another drill-hole made in another stone wall corner, at land, formerly of Robert E. Miller, later of John M. White, and, now or formerly, of Robert P. & Regina A. Laporte (see the deed recorded with said Deeds at Book 14576, Page 226);

Thence S. 74° 00’ 59” E., 456.42 feet, by the stone wall, partially by the aforesaid land, now or formerly, of Robert P. & Regina A. Laporte, and partially by the adjoining land, formerly of Kenneth A. Snyder, later of John M. White, and, now or formerly, of Robert P. & Regina A. Laporte (see the deed recorded with said Deeds at Book 13964, Page 172 and see Lot E on the plan recorded as Plan 97 in Plan Book 394) to a drill-hole made at a point in the stone point at the southwesterly corner of the aforesaid land, now or formerly, of Sean & Kara Casten;

Thence S. 73° 08’ 55” E., 280.00 feet, by the southerly line of land, now or formerly, of Sean & Kara Casten, to the iron pin first mentioned, being the point and place of beginning.

Containing 58.422 acres, more or less, out of the 66.47 acres shown upon a plan entitled “Land In Sterling, Mass. Surveyed For Clayton F. Mosher”, dated April 1974, and prepared by Charles A. Perkins Co., Inc., signed Charles A. Perkins May 1, 1974, which plan is recorded with Worcester District Registry of Deeds as Plan 32 in Plan Book 398, the excluding 8.048 acres being shown upon a plan entitled “Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, Sterling (Worcester County), MA, Land Taking Plan For Watershed Protection”, dated June 24, 2002, prepared by Andrysick Land Surveying, An Office of Acton Survey & Engineering, Inc., Douglas W. Andrysick, P.L.S. No. 34608, which plan shall be recorded with Worcester District Registry of Deeds, at a later date, to be made a part of this order, a copy of a portion of which is appended hereto as Exhibit A.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being most of the same premises described in a deed from Clayton

F. Mosher and Beatrice E. Gleason to Roland Morin and Martha L. Burlingame, dated 7th June 1974 and recorded with Worcester District Registry of Deeds at Book 5511, Page 329.

The above-described property is represented upon the former Sterling Assessors Tax Maps dated 1947 and redrawn in 1977 as most of Parcel 8 on Map 31.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Roland Morin Martha L. Morin, f. k. a. Martha L. Burlingame	$ 470,000.00

1. Report of Ms. McLaughlin, February 3, recommending that the Commission ratify the vote of the Commission at its meeting of January 16, 2003, and adopt an Order of Taking for acquisition of approximately 3.1 acres of land owned by Richard G. Schwartz, Trustee for the JWS Realty Trust, located in the Dorchester section of the City of Boston, and to approve an award of damages in the amount of $900,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A, and to further approve the funding of the environmental remediation and design planning of the site from Account No. 2420-1420, in accordance with the provisions of Chapter 236 of the Acts of 2000.

The Commission V O T E D: to ratify the vote of the Commission at its meeting of January 16, 2003, and adopt an Order of Taking for acquisition of approximately 3.1 acres of land owned by Richard G. Schwartz, Trustee for the JWS Realty Trust, located in the Dorchester section of the City of Boston, and to approve an award of damages in the amount of $900,000, together with such damages and costs as required under General Laws, Chapter 79 Sections 6, 12, 39, and 44A, and to further approve the funding of the environmental remediation and design planning of the site from Account No. 2420-1420, in accordance with the provisions of Chapter 236 of the Acts of 2000

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, February 6, 2003.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 15 of the Acts of 1996, Chapter 236 of the Acts of 2002 and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Dorchester District of the City of Boston in the County of Suffolk and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the easterly side of Granite Avenue and the southerly side of Hill Top Street, and being numbered 138-140 Granite Avenue in the present numbering of said street, and being shown as the parcel marked "Roxbury Iron and Metal Co., Inc." on a plan of land entitled "Plan of Land in Boston, Dorchester, July 29, 1953, Walter R. Luby, Sur., Sheet 2", which plan is recorded with Suffolk County Registry of Deeds in Book 6888, Page 65, more particularly bounded and described as follows:

WESTERLY	by Granite Avenue by two lines measuring 81.51 feet and 218.19 feet respectively (see the Massachusetts Department of Public Works order of taking for Route 37-Granite Avenue, dated August 26, 1958 as recorded with said Deeds in Book 7337, Page 119 and the accompanying plan of the same date being Layout No. 4727 recorded therewith);
NORTHERLY	by Hill Top Street, a City of Boston public way, 531.34 feet;
NORTHEASTERLY	by land, formerly, of one Reddy, now or formerly, supposed to be, according to City Assessors Records, of New England Millwork, John Desimone & William Lynch General Partners, 144.63 feet;
EASTERLY	by land, formerly of the Milton Branch of the Old Colony Railroad, operated by the New York New Haven and Hartford Railroad, later property of the Penn Central Transportation Company, late of the Consolidated Rail Corporation (Conrail) and now of the Commonwealth of Massachusetts, Metropolitan District Commission, 602.79 feet (see the order of taking dated June 4, 1992 recorded with said Deeds on July 2, 1992 in Book 17574, Page 239 and the railroad plan entitled "Right of

> Way and Track Map Old Colony R.R. Co. Operated By the New York New Haven and Hartford R.R. Co., From Neponset To Mattapan, Station 0+0 to Station 53+14.86, City of Boston, State of Mass., Scale 1"= 100ft., June 30, 1915 Office of Valuation Engineer Boston Mass.", being sheet V5/24/25/1, a copy of which is on file in the Office of the General Counsel of the MDC, at Commission Headquarters, 20 Somerset Street, Boston Massachusetts).

Containing 135,484 square feet, more or less as shown upon the above cited recorded plan.

The above-described premises are carried upon the City of Boston Tax Rolls as Ward 16 Parcel 4290 and are shown upon Boston Assessors Plan Ward 16078 as Block 136M.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Granite Avenue and/or Hill Top Street, which may be held by the supposed owner, as a result of his ownership of the above described property, and being the same premises described in two deeds from John W. Sax to Richard G. Schwartz, Trustee of the JWS Realty Trust under Declaration of Trust dated December 23, 1999 and recorded with said Deeds in Book 24557, Page 161, the first deed dated 23rd December 1999 and recorded with Said Deeds on December 30, 1999 in Book 24557, Page 171, and the second deed dated 4th January, 2000 and recorded with Said Deeds on January 6, 2000 in Book 24576, Page 336. (Note that each deed conveyed a one-half interest in the locus premises.)

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the City of Boston, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNER	AWARD
Richard G. Schwartz, Trustee of the JWS Realty Trust	$ 900,000.00

1. Report of Mr. Collette, February 3, recommending that the Commission rescind the vote of the Commission at its meeting of January 16, 2003, which adopted an Order of Taking for acquisition of approximately 28.605 acres of land owned by Ann L. Lundquist, located in the Town of Holden, Massachusetts, and approved an award of damages in the amount of $800,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to Commission rescind the vote of the Commission at its meeting of January 16, 2003, which adopted an Order of Taking for acquisition of approximately 28.605 acres of land owned by Ann L. Lundquist, located in the Town of Holden, Massachusetts, and approved an award of damages in the amount of $800,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A

2. Report of Mr. Gray, February 3, requesting authorization for the expenditure of an additional $25,000.00 within this Fiscal Year for costs related to the preparation of watershed lands for acquisition and all purposes consistent with Sections 6 and 12 of Chapter 36 of the Acts of 1992 (Cohen Bill), as amended.
(On August 2, 2002 - Commission approved the expenditure of $200,000.00 in Open Order Contract No. GC03-0002, for Appraisal, Title, Engineering and Related Services for Watershed Land Acquisition FY/03 - Worcester and Franklin Counties.)
(Funding from Account No. 2421-9936.)
The Commission V O T E D: authorization for the expenditure of an additional $25,000.00 within this Fiscal Year for costs related to the preparation of watershed lands for acquisition and all purposes consistent with Sections 6 and 12 of Chapter 36 of the Acts of 1992 (Cohen Bill), as amended.

3. Report of Mr. Gray, February 3, recommending that the Commission declare surplus and transfer to the Massachusetts Bay Transportation Authority, certain parcels of land located off Ocean Avenue in the City of Revere, Massachusetts.
The Commission V O T E D: to declare surplus and transfer to the Massachusetts Bay Transportation Authority, certain parcels of land located off Ocean Avenue in the City of Revere, Massachusetts, containing approximately 0.663 acres, in accordance with and subject to the provisions of Chapter 877 of the Acts of 1977, for the purposes identified in said Act, but subject also to the terms and provisions of the Memorandum of Agreement to be executed by the parties, and to the following conditions: that the Massachusetts Bay Transportation Authority and/or the City of Revere shall submit an Environmental Notification Form to the Secretary of Environmental Affairs in accordance with the Massachusetts Environmental Policy Act (MEPA) prior to transfer of the property by DCAM; that any site improvements be designed to incorporate best management practices for the management of storm water; that the grantee be responsible for compliance with all applicable laws, ordinances, rules and regulations resulting from this transfer; and that the Secretary to the Commission be authorized to sign all instruments relating to the transfer of this land to the MBTA and to the use of this land by the City of Revere: and further, approve and execute the Memorandum of Agreement with the Massachusetts Bay Transportation Authority and the City of Revere relating to the transfer and use of this property.

As Commissioner Balfour was not available for today meeting, The Commission Voted to authorize Acting Commissioner Elkort to execute the Memorandum of Agreement on behalf of the Commission

Associate Commissioner Anzuoni did not participate in discussion or vote on this matter.

1. Report of Mr. Gray, February 3, recommending that the Commission declare surplus and transfer to The Hart Family Limited Partnership, a certain parcel of land located off High Street in the Town of Randolph, Massachusetts

Mr. Michael Salerno of State Senator Brian Joyce's office read a letter, dated February 6, 2003, in which the Senator expressed his support for the land exchange as expressed in Chapter 240 of the Acts of 2002. (A copy of Senator Joyce's letter is in the Commission files)

The Commission V O T E D: to declare surplus and transfer to The Hart Family Limited Partnership, a certain parcel of land located off High Street in the Town of Randolph, Massachusetts, containing approximately 3.2 acres, in accordance with and subject to the provisions of Chapter 240 of the Acts of 2002, for the purposes identified in said Act, but subject also to the terms and provisions of the Management and Use Agreement to be executed by the parties, and to the following conditions: that the recipient shall submit an Environmental Notification Form (ENF) to the Secretary of Environmental Affairs in accordance with the Massachusetts Environmental Policy Act (MEPA) prior to transfer of the property by the Division of Capital Asset Management and Maintenance, an ENF which shall be of sufficient detail to characterize the existing natural and cultural resources found within the subject parcel, as well as any unintended adverse impacts that may result from the use of the site as authorized by the General Court, especifically including those habitat values protected by Chapter 131A of the General Laws, the Endangered Species Act; should the project be approved by MEPA, yet require mitigation to protect the habitat of the endangered species, the mitigation measures will be permanent, maintained regularly and kept in good repair so as to ensure their effectiveness, and subject to an annual inspection conducted by recipient and Commission staff; that the MDC Planning Office and Reservations and Historic Sites Division be provided site plan review prior to the commencement of construction activities; that improvements be designed to incorporate best management practices for the management of storm water; that the property shall revert to the Commonwealth should the property fail to be used for surface parking on an ongoing basis; that the care, custody and control of the MDC property shall be transferred back to the Commission should the surface parking area not be constructed and operational within five years from the date of the conveyance to the recipient; that the property interests transferred to the recipient shall not be used to meet zoning density requirements that may now, or may in the future, apply to any other nearby lands held by the recipient or its successors in title; provided, however, that the foregoing restriction shall in no event prohibit the recipient from using the property in satisfying any zoning requirements related to the number of surface parking spaces required on such lands; and that the grantee be responsible for compliance with all applicable laws, ordinances, rules and regulations resulting from this transfer.

The Commission further V O T E D: to approve the Management and Use Agreement with The Hart Family Limited Partnership relating to the transfer and use of this property.

The Secretary then submitted for signature the Management and Use Agreement, dated February 6, 2003, with The Hart Family Limited Partnership, which was signed by the Acting Commissioner and three Associate Commissioners.

1. Report of Mr. Gray, February 3, recommending that the Commission declare surplus and transfer to the City of Chelsea, certain easement interests in a parcel of land located in the City of Chelsea, Massachusetts.
The Commission V O T E D: to declare surplus and transfer to the City of Chelsea, certain easement interests in a parcel of land located in the City of Chelsea, Massachusetts, one containing approximately 2,967 square feet for permanent subsurface drainage purposes, and one in an area yet to be determined for permanent maintenance purposes, in accordance with and subject to the provisions of Chapter 263 of the Acts of 2002, but subject also to the following provisions: that the Division of Capital Asset Management shall consult and cooperate with the MDC on determining the placement and the delineation of the permanent maintenance easement to be transferred to the City of Chelsea, prior to such transfer, and shall provide the MDC with a copy of all recorded instruments resulting from the transfers authorized by this act; that the grantee shall submit an Environmental Notification Form to the Secretary of Environmental Affairs in accordance with the Massachusetts Environmental Policy Act (MEPA) prior to transfer of the property by DCAM; that improvements be designed to incorporate best management practices for the management of storm water; and that the grantee be responsible for compliance with all applicable laws, ordinances, rules and regulations resulting from this transfer.

2. Report of Mr. Gray, February 3, recommending that the Commission declare surplus and transfer to the New England Power Company, two permanent subsurface easement interests as described in Chapter 179 of the Acts of 2002.
The Commission V O T E D: to declare surplus and transfer to the New England Power Company, two permanent subsurface easement interests as described in Chapter 179 of the Acts of 2002, one easement comprising approximately 25,907 square feet and located within Squantum Point Park in the City of Quincy, and the other easement comprising approximately 3,100 square feet and located within Morrissey Boulevard in the Dorchester section of the City of Boston, for the purposes of installing, maintaining and operating two underground transmission cables, but subject to the following conditions: New England Power Company shall be solely responsible for preparing and submitting documents to satisfy the requirements of the MEPA Office of the Secretary of Environmental Affairs; and New England Power Company shall be solely responsible for the completion of the park improvements and for compliance with all applicable laws, ordinances, rules and regulations resulting from the rights granted by this Act

3. Report of Ms. Murphy, February 3, recommending approval of the proposal of Reynolds Company to prepare an abbreviated appraisal report of the approximately 4,300 square feet of the access road to Camp Nihan in Saugus, Massachusetts, which is currently owned by Francis W. and Jean H. Meehan, for $2,000.00.
Account No. 2440-7994.
The Commission V O T E D: Approved

Adjourned at 9:30 a.m., to meet on Thursday, February 13, 2003 at 9:00 a.m.

William F.
Secretary

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